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ABSTRACT

These hearings before the General Subcommittee on Education of the Committee on Education and Labor, House of Representatives, are concerned with three bills to further the achievement of equal educational opportunities. H.R. 13915, the Equal Educational Opportunities Act, provides Federal assistance for educationally deprived students and specifies appropriate remedies for eliminating the dual school system. The funds available under Title I, Elementary Secondary Education Act, and the Emergency School Aid Act are to concentrate on providing basic instructional services and basic supportive services for educationally deprived students. Contents include the statements of such witnesses as Dr. David Armor, Lexington, Mass.; Hon. W. R. Bryant, Jr., State representative, Lansing, Mich.; Dr. D. Williams superintendent, Corpus Christi, Tex., Independent School District; and Kenneth Young, assistant director of the AFL-CIO Department of Legislation. Prepared Statements and supplemental material include submissions by each of the above witnesses, plus the testimony of Hon. W. Mizell, a Representative in Congress from the State of North Carolina, an address by Hon. P. Peyser, a Representative in Congress from the State of New York, and a statement by the AFL-CIO Executive Council on Busing, February 15, 1972. (Author/JM)

EQUAL EDUCATIONAL OPPORTUNITIES ACT

ED 072159

HEARING

BEFORE THE

GENERAL SUBCOMMITTEE ON EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

SECOND SESSION

ON

H.R. 13915, H.R. 13983, and H.R. 15299

BILLS TO FURTHER THE ACHIEVEMENT OF EQUAL EDUCATIONAL OPPORTUNITIES

HEARING HELD IN WASHINGTON, D.C., JUNE 28, 1972

Printed for the use of the Committee on Education and Labor

CARL D. PERKINS, *Chairman*

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EQUAL EDUCATIONAL OPPORTUNITIES ACT

WEDNESDAY, JUNE 28, 1972

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10:35 a.m., pursuant to call, in room 2253, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Quie, Veysey, and Peyser.

Also present: John Jennings, majority counsel, Toni Painter, secretary, and Charles Radcliff, minority counsel for education.

92D CONGRESS
2D SESSION

H. R. 13915

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1972

MR. MCCULLOCH (for himself, MR. QUIE, and MR. GERALD R. FORD) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To further the achievement of equal educational opportunities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunities Act of 1972".

POLICY AND PURPOSE

SEC. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, or national origin; and

(2) the neighborhood is an appropriate basis for determining public school assignments.

(b) In order to carry out this policy, it is the purpose of this Act to provide Federal financial assistance for educationally deprived students and to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

FINDINGS

SEC. 3. (a) The Congress finds that—

(1) the maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, or national origin denies to those students the equal protection of the laws guaranteed by the fourteenth amendment;

(2) the abolition of dual school systems has been virtually completed and great progress has been made and is being made toward the elimination of the vestiges of those systems;

(3) for the purpose of abolishing dual school systems and eliminating the vestiges thereof, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students;

(4) the implementation of desegregation plans that require extensive student transportation has, in

many cases, required local educational agencies to expend large amounts of funds, thereby depleting their financial resources available for the maintenance or improvement of the quality of educational facilities and instruction provided;

(5) excessive transportation of students creates serious risks to their health and safety, disrupts the educational process carried out with respect to such students, and impinges significantly on their educational opportunity;

(6) the risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades; and

(7) the guidelines provided by the courts for fashioning remedies to dismantle dual school systems have been, as the Supreme Court of the United States has said, "incomplete and imperfect," and have failed to establish a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in order to eliminate the vestiges of a dual school system.

(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to

it by the Constitution of the United States, specify appropriate remedies for the elimination of the vestiges of dual school systems.

DECLARATION

SEC. 4. The Congress declares that this Act is the legislation contemplated by section 2 (a) (4) of the "Student Transportation Moratorium Act of 1972."

TITLE I—ASSISTANCE

CONCENTRATION OF RESOURCES FOR COMPENSATORY EDUCATION

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereinafter in this Act referred to as the "Secretary") and the Commissioner of Education shall—

(1) in the administration, consistent with the provisions thereof, of the program established by title I of the Elementary and Secondary Education Act of 1965; and

(2) in the administration of any program designed to assist local educational agencies in achieving desegregation or preventing, reducing, or eliminating isolation based on race, color, or national origin in the public schools;

take such action consistent with the provisions of this title, as the Secretary deems necessary to provide assistance under such programs (notwithstanding any provision of law which

establishes a program described by clause (2) of this subsection) in such a manner as to concentrate, consistent with such criteria as the Secretary may prescribe by regulation, the funds available for carrying out such programs for the provision of basic instructional services and basic supportive services for educationally deprived students.

(b) A local educational agency shall be eligible for assistance during a fiscal year under any program described by clause (2) of subsection (a) of this section (notwithstanding any provision of law which establishes such program) if it—

(1) is eligible for a basic grant for such fiscal year under title I of the Elementary and Secondary Education Act of 1965;

(2) operates a school during such fiscal year in which a substantial proportion of the students enrolled are from low-income families; and

(3) provides assurances satisfactory to the Secretary that services provided during such fiscal year from State and local funds with respect to each of the schools described in clause (2) of this subsection of such agency will be at least comparable to the services provided from such funds with respect to the other schools of such agency.

(c) In carrying out this section, the Secretary and the

Commissioner of Education shall seek to provide assistance in such a manner that—

(1) the amount of funds available for the provision of basic instructional services and basic supportive services for educationally deprived students in the school districts of local educational agencies which receive assistance under any program described in clause (1) or (2) of subsection (a) of this section is adequate to meet the needs of such students for such services; and

(2) there will be adequate provision for meeting the needs for such services of students in such school districts who transfer from schools in which a higher proportion of the number of students enrolled are from low-income families to schools in which a lower proportion of the number of students enrolled are from such families;

except that nothing in this title shall authorize the provision of assistance in such a manner as to encourage or reward the transfer of a student from a school in which students of his race are in the minority to a school in which students of his race are in the majority or the transfer of a student which would increase the degree of racial impaction in the schools of any local education agency.

(d) The Secretary shall prescribe by regulation the pro-

portions of students from low-income families to be used in the program established by this title and may prescribe a range of family incomes, taking into account family size, for the purpose of determining whether a family is a low-income family.

EFFECT ON ENTITLEMENTS AND ALLOTMENT FORMULAS

SEC. 102. Nothing in this title shall be construed to authorize the Secretary or the Commissioner of Education to—

(1) alter the amount of a grant which any local educational agency is eligible to receive for a fiscal year under title I of the Elementary and Secondary Education Act of 1965; or

(2) alter the basis on which funds appropriated for carrying out a program described by section 101 (a) (2) of this title would otherwise be allotted or apportioned among the States.

SEC. 103. Upon approval of a grant to a local educational agency to carry out the provisions of this title, the assurances required by the Secretary or the Commissioner of Education pursuant thereto shall constitute the terms of a contract between the United States and the local educational agency, which shall be specifically enforceable in action brought by the United States.

TITLE II—UNLAWFUL PRACTICES

DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY PROHIBITED

SEC. 201. No State shall deny equal educational opportunity to an individual on account of his race, color, or national origin, by—

(a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;

(b) the failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with title IV of this Act, to remove the vestiges of a dual school system;

(c) the assignment by an educational agency of a student to a school, other than the one closest to his place of residence within the school district in which he resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

(d) discrimination by an educational agency on the

basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff;

(e) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency; or

(f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

RACIAL BALANCE NOT REQUIRED

SEC. 202. The failure of an educational agency to attain a balance, on the basis of race, color, or national origin, of students among its schools shall not constitute a denial of equal educational opportunity, or equal protection of the laws.

ASSIGNMENT ON NEIGHBORHOOD BASIS NOT A DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY

SEC. 203. Subject to the other provisions of this title, the assignment by an educational agency of a student to the school nearest his place of residence which provides the appropriate grade level and type of education for such student

is not a denial of equal educational opportunity unless such assignment is for the purpose of segregating students on the basis of race, color, or national origin, or the school to which such student is assigned was located on its site for the purpose of segregating students on such basis.

TITLE III—ENFORCEMENT

CIVIL ACTIONS

SEC. 301. An individual denied an equal educational opportunity, as defined by this Act, may institute a civil action in an appropriate district court of the United States against such parties, and for such relief, as may be appropriate. The Attorney General of the United States (hereinafter in this Act referred to as the "Attorney General"), for or in the name of the United States, may also institute such a civil action on behalf of such an individual.

JURISDICTION OF DISTRICT COURTS

SEC. 302. The appropriate district court of the United States shall have and exercise jurisdiction of proceedings instituted under section 301.

INTERVENTION BY ATTORNEY GENERAL

SEC. 303. Whenever a civil action is instituted under section 301 by an individual, the Attorney General may intervene in such action upon timely application.

. . .

SUITS BY THE ATTORNEY GENERAL

SEC. 304. The Attorney General shall not institute a civil action under section 301 before he—

(a) gives to the appropriate educational agency notice of the condition or conditions which, in his judgment, constitute a violation of title II of this Act; and

(b) certifies to the appropriate district court of the United States that he is satisfied that such educational agency has not, within a reasonable time after such notice, undertaken appropriate remedial action.

ATTORNEYS' FEES

SEC. 305. In any civil action instituted under this Act, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorneys' fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person.

TITLE IV—REMEDIES

FORMULATING REMEDIES; APPLICABILITY

SEC. 401. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of the laws.

SEC. 402. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, which may involve directly or indirectly the transportation of students, a court, department, or agency of the United States shall consider and make specific findings on the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or on the first combination thereof, which would remedy such denial:

(a) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

(d) the creation or revision of attendance zones or grade structures without exceeding the transportation limits set forth in section 403;

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(e) the construction of new schools or the closing of inferior schools;

(f) the construction or establishment of magnet schools or educational parks; or

(g) the development and implementation of any other plan which is educationally sound and administratively feasible, subject to the provisions of sections 403 and 404 of this Act.

TRANSPORTATION OF STUDENTS

SEC. 403. (a) No court, department, or agency of the United States shall, pursuant to section 402, order the implementation of a plan that would require an increase for any school year in—

(1) either the average daily distance to be traveled by, or the average daily time of travel for, all students in the sixth grade or below transported by an educational agency over the comparable averages for the preceding school year; or

(2) the average daily number of students in the sixth grade or below transported by an educational agency over the comparable average for the preceding school year, disregarding the transportation of any student which results from a change in such student's residence, his advancement to a higher level of education,

or his attendance at a school operated by an educational agency for the first time.

(b) No court, department, or agency of the United States shall, pursuant to section 402, order the implementation of a plan which would require an increase for any school year in—

(1) either the average daily distance to be traveled by, or the average daily time of travel for, all students in the seventh grade or above transported by an educational agency over the comparable averages for the preceding school year; or

(2) the average daily number of students in the seventh grade or above transported by an educational agency over the comparable average for the preceding school year, disregarding the transportation of any student which results from a change in such student's residence, his advancement to a higher level of education, or his attendance at a school operated by an educational agency for the first time,

unless it is demonstrated by clear and convincing evidence that no other method set out in section 402 will provide an adequate remedy for the denial of equal educational opportunity or equal protection of the laws that has been found by such court, department, or agency. The implementation of a plan calling for increased transportation, as described in

clause (1) or (2) of this subsection, shall be deemed a temporary measure. In any event such plan shall be subject to the limitation of section 407 of this Act and shall only be ordered in conjunction with the development of a long term plan involving one or more of the remedies set out in clauses (a) through (g) of section 402. If a United States district court orders implementation of a plan requiring an increase in transportation, as described in clause (1) or (2) of this subsection, the appropriate court of appeals shall, upon timely application by a defendant educational agency, grant a stay of such order until it has reviewed such order.

(c) No court, department, or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

DISTRICT LINES

SEC. 404. In the formulation of remedies under section 401 or 402 of this Act, the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose, and had the effect, of segregating children among public schools on the basis of race, color, or national origin.

VOLUNTARY ADOPTION OF REMEDIES

SEC. 405. Nothing in this Act prohibits an educational agency from proposing, adopting, requiring, or implementing any plan of desegregation, otherwise lawful, that is at variance with the standards set out in this title, nor shall any court, department, or agency of the United States be prohibited from approving implementation of a plan which goes beyond what can be required under this title, if such plan is voluntarily proposed by the appropriate educational agency.

REOPENING PROCEEDINGS

SEC. 406. On the application of an educational agency, court orders or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin shall be reopened and modified to comply with the provisions of this Act.

TIME LIMITATION ON ORDERS

SEC. 407. Any court order requiring, directly or indirectly, the transportation of students for the purpose of remedying a denial of the equal protection of the laws shall, to the extent of such transportation, terminate after it has been in effect for five years if the defendant educational agency is found to have been in good faith compliance with such order for such period. No additional order requiring

such educational agency to transport students for such purpose shall be entered unless such agency is found to have denied equal educational opportunity or the equal protection of the laws subsequent to such order, nor remain in effect for more than five years.

SEC. 408. Any court order requiring the desegregation of a school system shall terminate after it has been in effect for ten years if the defendant educational agency is found to have been in good faith compliance with such order for such period. No additional order shall be entered against such agency for such purpose unless such agency is found to have denied equal educational opportunity or the equal protection of the laws subsequent to such order, nor remain in effect for more than ten years.

SEC. 409. For the purposes of sections 407 and 408 of this Act, no period of time prior to the effective date of this Act, shall be included in determining the termination date of an order.

TITLE V—DEFINITIONS

SEC. 501. For the purposes of this Act—

(a) The term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801 (k) of the Elementary and Secondary Education Act of 1965.

(b) The term "local educational agency" means a local

educational agency as defined by section 801 (f) of the Elementary and Secondary Education Act of 1965.

(c) The term "segregation" means the operation of a school system in which students are wholly or substantially separated among the schools of an educational agency or within a school on the basis of race, color, or national origin.

(d) The term "desegregation" means "desegregation" as defined by section 401 (b) of the Civil Rights Act of 1964.

(e) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

(f) The term "basic instructional services" means instructional services in the field of mathematics or language skills which meet such standards as the Secretary may prescribe.

(g) The term "basic supportive services" means noninstructional services, including health or nutritional services, as prescribed by the Secretary.

(h) Expenditures for basic instructional services or basic supportive services do not include expenditures for administration, operation and maintenance of plant, or tor capital outlay, or such other expenditures as the Secretary may prescribe.

92D CONGRESS
2D SESSION

H. R. 13983

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1972

Mr. MCCULLOCH (for himself and Mr. GERALD R. FORD) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To further the achievement of equal educational opportunities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunities Act of 1972".

POLICY AND PURPOSE

SEC. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, or national origin; and

(2) the neighborhood is an appropriate basis for determining public school assignments.

(b) In order to carry out this policy, it is the purpose of this Act to provide Federal financial assistance for educationally deprived students and to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

FINDINGS

SEC. 3. (a) The Congress finds that—

(1) the maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, or national origin denies to those students the equal protection of the laws guaranteed by the fourteenth amendment;

(2) the abolition of dual school systems has been virtually completed and great progress has been made and is being made toward the elimination of the vestiges of those systems;

(3) for the purpose of abolishing dual school systems and eliminating the vestiges thereof, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students;

(4) the implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend large amounts of funds, thereby depleting their finan-

cial resources available for the maintenance or improvement of the quality of educational facilities and instruction provided;

(5) excessive transportation of students creates serious risks to their health and safety, disrupts the educational process carried out with respect to such students, and impinges significantly on their educational opportunity;

(6) the risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades; and

(7) the guidelines provided by the courts for fashioning remedies to dismantle dual school systems have been, as the Supreme Court of the United States has said, "incomplete and imperfect," and have failed to establish a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in order to eliminate the vestiges of a dual school system.

(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to it by the Constitution of the United States, specify appropriate remedies for the elimination of the vestiges of dual school systems.

DECLARATION

SEC. 4. The Congress declares that this Act is the legislation contemplated by section 2(a) (4) of the "Student Transportation Moratorium Act of 1972".

TITLE I—UNLAWFUL PRACTICES

DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY PROHIBITED

SEC. 101. No State shall deny equal educational opportunity to an individual on account of his race, color, or national origin, by:

(a) The deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools.

(b) The failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with title III of this Act, to remove the vestiges of a dual school system.

(c) The assignment by an educational agency of a student to a school, other than the one closest to his place of residence within the school district in which he resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his place of residence within the school district of such agency provid-

ing the appropriate grade level and type of education for such student.

(d) Discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff.

(e) The transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency.

(f) The failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

RACIAL BALANCE NOT REQUIRED

SEC. 102. The failure of an educational agency to attain a balance, on the basis of race, color, or national origin, of students among its schools shall not constitute a denial of equal educational opportunity, or equal protection of the laws.

ASSIGNMENT ON NEIGHBORHOOD BASIS NOT A DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY

SEC. 103. Subject to the other provisions of this title, the assignment by an educational agency of a student to

the school nearest his place of residence which provides the appropriate grade level and type of education for such student is not a denial of equal educational opportunity unless such assignment is for the purpose of segregating students on the basis of race, color, or national origin, or the school to which such student is assigned was located on its site for the purpose of segregating students on such basis.

TITLE II—ENFORCEMENT

CIVIL ACTIONS

SEC. 201. An individual denied an equal educational opportunity, as defined by this Act, may institute a civil action in an appropriate district court of the United States against such parties, and for such relief, as may be appropriate. The Attorney General of the United States (hereinafter in this Act referred to as the "Attorney General"), for or in the name of the United States, may also institute such a civil action on behalf of such an individual.

JURISDICTION OF DISTRICT COURTS

SEC. 202. The appropriate district court of the United States shall have and exercise jurisdiction of proceedings instituted under section 201.

INTERVENTION BY ATTORNEY GENERAL

SEC. 203. Whenever a civil action is instituted under section 201 by an individual, the Attorney General may intervene in such action upon timely application.

SUITS BY THE ATTORNEY GENERAL

SEC. 204. The Attorney General shall not institute a civil action under section 201 before he—

(a) gives to the appropriate educational agency notice of the condition or conditions which, in his judgment, constitute a violation of title I of this Act; and

(b) certifies to the appropriate district court of the United States that he is satisfied that such educational agency has not, within a reasonable time after such notice, undertaken appropriate remedial action.

ATTORNEYS' FEES

SEC. 205. In any civil action instituted under this Act, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorneys' fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person.

TITLE III—REMEDIES

FORMULATING REMEDIES; APPLICABILITY

SEC. 301. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of the laws.

SEC. 302. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, which may involve directly or indirectly the transportation of students, a court, department, or agency of the United States shall consider and make specific findings on the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or on the first combination thereof, which would remedy such denial:

(a) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

(d) the creation or revision of attendance zones or grade structures without exceeding the transportation limits set forth in section 303;

(c) the construction of new schools or the closing of inferior schools;

(f) the construction or establishment of magnet schools or educational parks; or

(g) the development and implementation of any other plan which is educationally sound and administratively feasible, subject to the provisions of sections 303 and 304 of this Act.

TRANSPORTATION OF STUDENTS

SEC. 303. (a) No court, department, or agency of the United States shall, pursuant to section 302, order the implementation of a plan that would require an increase for any school year in—

(1) either the average daily distance to be traveled by, or the average daily time of travel for, all students in the sixth grade or below transported by an educational agency over the comparable averages for the preceding school year; or

(2) the average daily number of students in the sixth grade or below transported by an educational agency over the comparable average for the preceding school year, disregarding the transportation of any student which results from a change in such student's residence, his advancement to a higher level of education,

or his attendance at a school operated by an educational agency for the first time.

(b) No court, department, or agency of the United States shall, pursuant to section 302, order the implementation of a plan which would require an increase for any school year in—

(1) either the average daily distance to be traveled by, or the average daily time of travel for, all students in the seventh grade or above transported by an educational agency over the comparable averages for the preceding school year; or

(2) the average daily number of students in the seventh grade or above transported by an educational agency over the comparable average for the preceding school year, disregarding the transportation of any student which results from a change in such student's residence, his advancement to a higher level of education, or his attendance at a school operated by an educational agency for the first time,

unless it is demonstrated by clear and convincing evidence that no other method set out in section 302 will provide an adequate remedy for the denial of equal educational opportunity or equal protection of the laws that has been found by such court, department, or agency. The implementation of a plan calling for increased transportation, as described

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in clause (1) or (2) of this subsection, shall be deemed a temporary measure. In any event such plan shall be subject to the limitation of section 307 of this Act and shall only be ordered in conjunction with the development of a long-term plan involving one or more of the remedies set out in clauses (a) through (g) of section 302. If a United States district court orders implementation of a plan requiring an increase in transportation, as described in clause (1) or (2) of this subsection, the appropriate court of appeals shall, upon timely application by a defendant educational agency, grant a stay of such order until it has reviewed such order.

(c) No court, department, or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

DISTRICT LINES

SEC. 304. In the formulation of remedies under section 301 or 302 of this Act, the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose, and had the effect, of segregating children among public schools on the basis of race, color, or national origin.

VOLUNTARY ADOPTION OF REMEDIES

SEC. 305. Nothing in this Act prohibits an educational agency from proposing, adopting, requiring, or implementing any plan of desegregation, otherwise lawful, that is at variance with the standards set out in this title, nor shall any court, department, or agency of the United States be prohibited from approving implementation of a plan which goes beyond what can be required under this title, if such plan is voluntarily proposed by the appropriate educational agency.

REOPENING PROCEEDINGS

SEC. 306. On the application of an educational agency, court orders or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin shall be reopened and modified to comply with the provisions of this Act.

TIME LIMITATION ON ORDERS

SEC. 307. Any court order requiring, directly or indirectly, the transportation of students for the purpose of remedying a denial of the equal protection of the laws shall, to the extent of such transportation, terminate after it has been in effect for five years if the defendant educational agency is found to have been in good faith compliance with such order for such period. No additional order requiring such educational agency to transport students for such pur-

pose shall be entered unless such agency is found to have denied equal educational opportunity or the equal protection of the laws subsequent to such order, nor remain in effect for more than five years.

SEC. 308. Any court order requiring the desegregation of a school system shall terminate after it has been in effect for ten years if the defendant educational agency is found to have been in good faith compliance with such order for such period. No additional order shall be entered against such agency for such purpose unless such agency is found to have denied equal educational opportunity or the equal protection of the laws subsequent to such order, nor remain in effect for more than ten years.

SEC. 309. For the purposes of sections 307 and 308 of this Act, no period of time prior to the effective date of this Act, shall be included in determining the termination date of an order.

TITLE IV—DEFINITIONS

SEC. 401. For the purposes of this Act—

(a) The term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801 (k) of the Elementary and Secondary Education Act of 1965.

(b) The term "local educational agency" means a

local educational agency as defined by section 801 (f) of the Elementary and Secondary Education Act of 1965.

(c) The term "segregation" means the operation of a school system in which students are wholly or substantially separated among the schools of an educational agency or within a school on the basis of race, color, or national origin.

(d) The term "desegregation" means desegregation as defined by section 401 (b) of the Civil Rights Act of 1964.

(e) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

(f) The term "basic instructional services" means instructional services in the field of mathematics or language skills which meet such standards as the Secretary may prescribe.

(g) The term "basic supportive services" means noninstructional services, including health or nutritional services, as prescribed by the Secretary.

(h) Expenditures for basic instructional services or basic supportive services do not include expenditures for administration, operation, and maintenance of plant, or for capital outlay, or such other expenditures as the Secretary may prescribe.

92D CONGRESS
2D SESSION

H. R. 15299

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1972

Mr. QUIE introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To further the achievement of equal educational opportunities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunities Act of 1972".

POLICY AND PURPOSE

SEC. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, or national origin; and

(2) the neighborhood is an appropriate basis for determining public school assignments.

(b) In order to carry out this policy, it is the purpose of this Act to provide Federal financial assistance for educationally deprived students and to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

FINDINGS

SEC. 3. (a) The Congress finds that—

(1) the maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, or national origin denies to those students the equal protection of the laws guaranteed by the fourteenth amendment;

(2) the abolition of dual school systems has been virtually completed and great progress has been made and is being made toward the elimination of the vestiges of those systems;

(3) for the purpose of abolishing dual school systems and eliminating the vestiges thereof, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students;

(4) the implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend large amounts of funds, thereby depleting their financial

resources available for the maintenance or improvement of the quality of educational facilities and instruction provided;

(5) transportation of students which creates serious risks to their health and safety, disrupts the educational process carried out with respect to such students, and impinges significantly on their educational opportunity, is excessive;

(6) the risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades; and

(7) the guidelines provided by the courts for fashioning remedies to dismantle dual school systems have been, as the Supreme Court of the United States has said, "incomplete and imperfect," and has not established, a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in order to eliminate the vestiges of a dual school system.

(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to it by the Constitution of the United States, specify appropriate remedies for the elimination of the vestiges of dual school systems.

TITLE I—UNLAWFUL PRACTICES

DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY PROHIBITED

SEC. 101. No State shall deny equal educational opportunity to an individual on account of his race, color, or national origin, by—

(a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;

(b) the failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with title III of this Act, to remove the vestiges of a dual school system;

(c) the assignment by an educational agency of a student to a school, other than the one closest to his place of residence within the school district in which he resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

(d) discrimination by an educational agency on the basis of race, color, or national origin in the employ-

ment, employment conditions, or assignment to schools of its faculty or staff;

(e) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency; or

(f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

RACIAL BALANCE NOT REQUIRED

SEC. 102. The failure of an educational agency to attain a balance, on the basis of race, color, or national origin, of students among its schools shall not constitute a denial of equal educational opportunity, or equal protection of the laws.

ASSIGNMENT ON NEIGHBORHOOD BASIS NOT A DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY

SEC. 103. Subject to the other provisions of this title, the assignment by an educational agency of a student to the school nearest his place of residence which provides the appropriate grade level and type of education for such student is not a denial of equal educational opportunity unless such assignment is for the purpose of segregating students on the

basis of race, color, or national origin, or the school to which such student is assigned was located on its site for the purpose of segregating students on such basis.

TITLE II—ENFORCEMENT

CIVIL ACTIONS

SEC. 201. An individual denied an equal educational opportunity, as defined by this Act, may institute a civil action in an appropriate district court of the United States against such parties, and for such relief, as may be appropriate. The Attorney General of the United States (hereinafter in this Act referred to as the "Attorney General"), for or in the name of the United States, may also institute such a civil action on behalf of such an individual.

JURISDICTION OF DISTRICT COURTS

SEC. 202. The appropriate district court of the United States shall have and exercise jurisdiction of proceedings instituted under section 201.

INTERVENTION BY ATTORNEY GENERAL

SEC. 203. Whenever a civil action is instituted under section 201 by an individual, the Attorney General may intervene in such action upon timely application.

SUITS BY THE ATTORNEY GENERAL

SEC. 204. The Attorney General shall not institute a civil action under section 201 before he—

(a) gives to the appropriate educational agency

notice of the condition or conditions which, in his judgment, constitute a violation of title I of this Act; and

(b) certifies to the appropriate district court of the United States that he is satisfied that such educational agency has not, within a reasonable time after such notice, undertaken appropriate remedial action.

ATTORNEYS' FEES

SEC. 205. In any civil action instituted under this Act, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorneys' fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person.

TITLE III—REMEDIES

FORMULATING REMEDIES; APPLICABILITY

SEC. 301. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of the laws.

SEC. 302. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, which may involve directly or indirectly the transportation of students, a court, department, or agency of the United States shall consider and make specific findings on

the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or on the first combination thereof which would remedy such denial:

(a) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

(d) the creation or revision of attendance zones or grade structures without requiring transportation beyond that described in section 303;

(e) the construction of new schools or the closing of inferior schools;

(f) the construction or establishment of magnet schools; or

(g) the development and implementation of any other plan which is educationally sound and administra-

tively feasible, subject to the provisions of sections 303 and 304 of this Act.

TRANSPORTATION OF STUDENTS

SEC. 303. (a) No court, department, or agency of the United States shall, pursuant to section 302, order the implementation of a plan that would require the transportation of any student in the sixth grade or below to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

(b) No court, department, or agency of the United States shall, pursuant to section 302, order the implementation of a plan which would require the transportation of any student in the seventh grade or above to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student, unless it is demonstrated by clear and convincing evidence that no other method set out in section 302 will provide an adequate remedy for the denial of equal educational opportunity or equal protection of the laws that has been found by such court, department, or agency. Such plan shall only be ordered in conjunction with the development of a long-term plan involving one or more of the remedies set out in clauses (a) through (g) of section 302. If a United States district court orders imple-

mentation of a plan requiring transportation beyond that described in this subsection, the appropriate court of appeals shall, upon timely application by a defendant educational agency, grant a stay of such order until it has reviewed such order.

(c) No court, department or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

DISTRICT LINES

SEC. 304. In the formulation of remedies under section 301 or 302 of this Act, the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose, and had the effect, of segregating children among public schools on the basis of race, color, or national origin.

VOLUNTARY ADOPTION OF REMEDIES

SEC. 305. Nothing in this Act prohibits an educational agency from proposing, adopting, requiring, or implementing any plan of desegregation, otherwise lawful, that is at variance with the standards set out in this title, nor shall any court, department, or agency of the United States be

prohibited from approving implementation of a plan which goes beyond what can be required under this title, if such plan is voluntarily proposed by the appropriate educational agency.

REOPENING PROCEEDINGS

SEC. 306. On the application of an educational agency, court orders or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin shall be reopened and modified to comply with the provisions of this Act.

TITLE IV—DEFINITIONS

SEC. 401. For the purposes of this Act—

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(b) The term "local educational agency" means a local educational agency as defined by section 801 (f) of the Elementary and Secondary Education Act of 1965.

(c) The term "segregation" means the operation of a school system in which students are wholly or substantially separated among the schools of an educational agency or within a school on the basis of race, color, or national origin.

(d) The term "desegregation" means "desegregation"

as defined by section 401 (b) of the Civil Rights Act of 1964.

(e) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

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SHORT SUMMARY OF H.R. 13915, THE EQUAL EDUCATIONAL OPPORTUNITIES ACT

Section 2.—The policy of the United States is declared to be that of entitling all children to equal educational opportunity and of using the neighborhood as the appropriate basis for determining public school assignment. The purpose of the Act is to provide Federal assistance for educationally deprived students and to specify appropriate remedies for eliminating the dual school system.

Section 3.—This section contains the Act's findings which speak mostly concerning the abolition of the dual school system and the need for congressional action to specify appropriate remedies.

TITLE I—ASSISTANCE

Section 101.—The funds available under Title I, ESEA, and the Emergency School Aid Act are to concentrate on providing basic instructional services (math and language skills) and basic supportive services for educationally deprived students. A school district is eligible for funds if it is eligible under Title I (ESEA), has a school with a substantial proportion of low-income students, and assures comparability of services for its low-income children who transfer to schools having a lower proportion of such students.

Section 102.—A school district's entitlement under Title I (ESEA) and a State's allotment under the Emergency School Aid Act are not to be affected by this Act.

Section 103.—Once a grant is approved to a local educational agency, a contract exists between that agency and the United States.

TITLE II—UNLAWFUL PRACTICES

Section 201.—This section forbids a State to deliberately segregate its students or to discriminate against its teachers or other staff on the basis of race, color, or national origin. This section also requires school districts to take appropriate action to overcome the language impediments of their students.

Section 202.—A failure by a school district to racially balance its schools is not a denial of equal educational opportunity.

Section 203.—Assignment to a neighborhood school is not a denial of equal educational opportunity unless such assignment is for segregation.

Mr. QUIE (presiding). The subcommittee will come to order.

Since there are two of us here, which complies with the rules of the House, counsel in this case said Chairman Pucinski's office feels we should go ahead. We will do so, and I will call Ken Young to make his presentation.

Ken, do you want to read your testimony?

STATEMENT OF KENNETH YOUNG, ASSISTANT DIRECTOR OF THE AFL–CIO DEPARTMENT OF LEGISLATION

Mr. YOUNG. I will do it either way; I know you have a time problem.

Mr. QUIE. Why don't you summarize it and we will ask questions?

Without objection, your testimony will be made part of the record.

Mr. YOUNG. Thank you.

My name is Kenneth Young. I am assistant director of the AFL–CIO Department of Legislation.

As the testimony points out, we are in opposition to H.R. 13983.

We think the real question is: Can this country achieve quality education in all school districts without busing? We don't think so and that is what the courts have said. There are some situations where there is just no other remedy and there are many school districts throughout the country that recognize this fact of life.

The AFL–CIO has long supported other remedies such as educational parks, magnet schools, the more effective schools program and

other innovative approaches, but we also know that busing must be available as a tool, when other remedies fail to accomplish the purpose.

It is for this reason, Mr. Chairman, that we must oppose any administration or legislative proposal that would flatly prohibit all busing, even for a specified period of time. To prohibit busing when other remedies are unworkable is to tamper with the educational rights of children.

As AFL–CIO President Meany pointed out in his statement of March 22, 1972:

"The rights in question are those of individual school children and once lost for any school year cannot be recaptured."

We also oppose this bill because it carries no real commitment to improve the educational opportunities of disadvantaged youth.

Then we go on in our statement to talk about the funding problem. We don't think there is any new money in the bill whatsoever. We talk some about the Student Transportation Moratorium Act in the judiciary committee, and we say the administration considers both these bills to be "separate but equal".

We talk about the need for compensatory education programs, the lack of fiscal commitment to these programs, what we consider to be the failure to use existing legislation directed toward these goals, and the problem inherent in the commingling of funds.

Today, clearly, at least politics have changed. The President has gone on national television to cite the need for compensatory education. He would have us believe that he can solve the busing controversy with new compensatory programs that somehow require no new money.

We then talk about the problems of title I financing which the members of this committee are well aware of.

In terms of recent budget messages, we point out these bills are not supposed to be used in the sense of so-called "free money", and we view ESA as a categorical program designed to most the increased costs of integration.

We point out we have a great deal of sympathy with the southern Congressman that spoke on the floor, and we quote:

> To deny the 2,000 or more school districts that are busing under Federal court orders the $1.5 billion in the original bill smells of political trickery and a cruel hoax perpetrated on law-abiding people who entered into busing agreements in good faith.

Basically, we say that we consider the proposed busing moratorium and H.R. 13915 as part of a package. America cannot slow down its efforts to integrate its schools. To turn back the clock on desegregation efforts while sanctioning the continuance of vast inequities in our schools can only have appeal to the rankest of bigots.

In 1954, the labor movement hailed the *Brown* decision as "historic." Like all fair-minded Americans, we recognized the inequities of the dual school system. It has now been almost two decades since that widely hailed decision. We have made progress, but there is still a long way to go. The AFL–CIO has been in this battle for progress at every step of the way.

Just as we have fought hard to implement the *Brown* decision, we will vigorously oppose all efforts to retreat. The AFL–CIO believes that H.R. 13915 represents such a retreat.

Then, Mr. Chairman, we mention briefly H.R. 15299 and H.R. 13983. We say both of these bills omit title I of H.R. 13915, which is the assistance title.

We point out while they omit that title they do make reference to include in their purpose, a section "to provide Federal financial assistance for educationally deprived students * * *."

Actually, neither H.R. 15299 nor H.R. 13983 authorize any such financial assistance beyond the sole reference in their "Policy and Purpose" sections. For this reason, the AFL–CIO believes that both bills properly belong within the jurisdiction of the House Judiciary Committee.

If the subcommittee decides to give further consideration to H.R. 15299 and H.R. 13983, the AFL–CIO will be glad to submit more specific comments, or I could comment today.

We end by asking that a copy of the AFL–CIO Executive Council statement of February 1972 and Mr. Meany's statement on the President's busing message on March 22, 1972, be included with this statement for the record.

Mr. QUIE. Without objection, so ordered.

(The complete statement with attachments follows:)

STATEMENT BY KENNETH YOUNG, ASSISTANT DIRECTOR AFL–CIO DEPARTMENT OF LEGISLATION

My name is Kenneth Young, Assistant Director of the AFL–CIO Department of Legislation.

Ordinarily, Mr. Chairman, the AFL–CIO looks forward to appearing before House committees in support of legislation authorizing, or improving, badly needed national educational programs. It is, therefore, unusual for us to come here before this subcommittee to testify in opposition to any bill—let alone, a proposal that carries the impressive title: "The Equal Educational Opportunities Act of 1972."

But, we are here in opposition to this bill, Mr. Chairman.

We are in opposition, because we believe the bill would do nothing, when so much needs to be done. Let me explain our position. Like the President, we have listened to the nation. We recognize that a substantial majority of people in our country do not like so-called "massive busing," but—unlike the President—we also recognize that an overwhelming majority of people in this country do want quality integrated education.

The real question, then, is: Can we achieve quality, integrated education in all school districts without busing? We think not. And, that is what the courts have said. There are situations where there is just no other remedy. And, there are many school districts throughout the country that recognize this fact of life. The AFL–CIO has long-supported other remedies such as educational parks, magnet schools, the more effective school programs, and other innovative approaches, but we also know that busing must be available as a tool, when other remedies fail to accomplish the purpose.

It is for this reason, Mr. Chairman, that we must oppose any Administration or legislative proposal that would flatly prohibit all busing, even for a specified period of time. To prohibit busing when other remedies are unworkable is to tamper with the educational rights of children. As AFL–CIO President Meany pointed out in his statement of March 22, 1972: "The rights in question are those of individual school children and once lost for any school year cannot be recaptured."

We also oppose this bill because it carries no real commitment to improve the educational opportunities of disadvantaged youth. As the members of this Subcommittee know, the AFL–CIO has fought ever since the inception of the Elementary and Secondary Education Act for adequate funding of those ESEA titles directed toward those who need the most help. And, we would remind the members of this Subcommittee that—for us—this has not been a partisan fight. The AFL–CIO took the same position during the previous Administration. So, the AFL–CIO

opposes H.R. 13915 because, first of all, despite its seeming promise, it actually provides no new money for the disadvantaged.

In our view, then, H.R. 13915 is basically a political document. It provides no new funds to improve the educational opportunities of disadvantaged children and it does nothing to promote integration In fact, the bill deliberately avoids the use of the word "integration."

Having stated the AFL–CIO position, Mr. Chairman, perhaps it would be useful for us to spell out our reaction to various parts of the President's proposal.

First, however, we wish to make it clear that while this Subcommittee is not considering the "Student Transportation Moratorium Act of 1972," we join with those who seriously question the constitutionality of that proposal. And, to use AFL–CIO President Meany's words we consider the busing moratorium to be—and I quote—"a cynical attempt to reward those who said 'never,' and to undermine the moral leadership of those citizens who endeavored to comply with the Constitution and the Supreme Court's 1954 decision."

Of course, H.R. 13915 and the moratorium proposal are companion bills. It is clear to us that while this Subcommittee is considering only H.R. 13915, the Administration considers these two bills to be "separate but equal." In fact, Mr. Chairman, the President's comments when he signed the Higher Education bill seem to indicate he considers the bill now before the Judiciary Committee as more than equal.

There are four specific points we wish to stress in relation to H.R. 13915. These are: (1) the need for compensatory education programs; (2) the lack of fiscal commitment to these programs; (3) the failure to utilize existing legislation directed toward these goals; and (4) the problem inherent in the commingling of funds.

Less than two years ago, in the President's special message to Congress on "Education Reform," he said:

"It is time to realize that every time we invest a billion dollars in a compensatory program, we raise the hopes of millions of our most disadvantaged citizens; which hopes are more than likely destined to be dashed, for the programs and strategies on which they rest are themselves based on faulty assumptions and inadequate knowledge. This is bad government. It is bad politics. It is bad education."

Today, clearly, at least politics have changed. The President has gone on national television to cite the need for compensatory education. He would have us believe that he can solve the busing controversy with new compensatory programs that somehow require no new money.

The President's March 17, 1972, message to Congress referred to numerous cases where "critical mass" compensatory expenditures yielded substantial results. He spoke of the California survey of 10,000 disadvantaged pupils which demonstrated the different achievement levels reached by those pupils in projects receiving $250 extra per pupil compared with the pupils in projects receiving less than $150 per pupil. He mentioned successful programs in Florida and Connecticut, and cited the findings of the New York State Commission on the Quality, Cost and Financing of Elementary and Secondary Education; the National Educational Finance Project; and the President's Commission on School Finance.

So, the President is now—at last—in favor of compensatory education. But his commitment is restricted to words. The AFL–CIO, on the other hand, has consistently recognized that compensatory education costs money. The word "compensatory"—after all—means "making up for a loss" and the "loss" to disadvantaged students extends beyond the classroom. The "make up" doesn't come cheap.

If the President has been inconsistent in his attitude toward compensatory education, he has nevertheless been consistent in his steadfast refusal to adequately fund ESEA programs. The President vetoed both the Fiscal Year 1970 and 1971 education appropriation bills—both of which included increased funding of Title I. An effort to again increase Title I funds in the Fiscal 1972 appropriations bill was defeated by a slender margin in the House, mainly because of all-out Administration opposition. The 1973 budget message did not show any change of heart in the President. And the members of this committee know the Administration's position when the so-called Hathaway amendment was approved by the House earlier this month.

If the President had supported, rather than opposed, Congressional efforts to provide additional funds for compensatory education, tens of millions of additional dollars already would have been spent to bring quality education to the disadvantaged. Unfortunately, instead, ESEA Title I is still grossly underfunded and the per pupil expenditure under this compensatory program is only $193.

As this Subcommittee knows so well, Title I authorizations, if fully appropriated, would more than double this $193 per pupil expenditure and surpass the amount suggested by the President for "critical mass" compensatory expenditures.

The AFL–CIO always has believed that proper funding of Title I would provide the necessary compensatory expenditures for all disadvantaged children. When faced with continued underfunding, school districts have been forced to accept the concept of concentrating effort. This Administration not only accepts, but vigorously supports underfunding. It is for this reason that the President must emphasize the concentrated approach. Unfortunately, while concentration may help those students upon whom the funds are concentrated, it ignores the needs of other disadvanged youth in both the inner cities and the rural poor areas of our nation. For those youngsters excluded from the Administration's targets, the title of this proposed Act is, indeed, a mockery.

While Title I will provide the wherewithal for compensatory education, more is needed. ESEA Title III funds, for example, can provide the "how" to compensatory education. The Title III program is grossly underfunded, yet this program can provide the innovation and experimentation for school districts seeking the best ways to improve the learning process for disadvantaged youth. The AFL–CIO wholeheartedly supports this approach.

An approach that we do not support, is the President's proposed co-mingling of ESEA and Emergency School Aid funds. We look upon ESA money as funds provided to school districts engaged in legitimate desegregation programs. We supported the Emergency School Aid bill because these funds were not to be used in the sense of so-called "free money" to be distributed at the whim of the Office of Education.

The AFL–CIO basically views ESA as a categorical program designed to help school districts meet the increased costs of integration—whether brought about by voluntary plan, court order, or HEW requirement. To now co-mingle these funds with Title I would leave little monies for the original purpose of the Act.

We have great sympathy for the Southern Congressman who declared on the floor of the House: "To deny the 2,000 or more school districts that are busing under federal court orders the $1.5 billion in the original bill smells of political trickery and a cruel hoax perpetrated on law abiding people who entered into busing agreements in good faith."

In short, as we see the President's co-mingling proposal, it is an effort to secure more Administrative discretion in the distribution of funds. This is in sharp contrast to Congressional intent.

In summary, the AFL–CIO considers the President's proposed busing moratorium and H.R. 13915 as a part of a package. America cannot slow down its efforts to integrate its schools. To turn back the clock on desegregation efforts while sanctioning the continuance of vast inequities in our schools can only have appeal to the rankest of bigots.

In 1954, the labor movement hailed the Brown decision as "historic." Like all fair-minded Americans, we recognized the inequities of the dual school system. It has now been almost two decades since the widely hailed decision. We have made progress, but there is still a long way to go. The AFL–CIO has been in this battle for progress at every step of the way.

Just as we have fought hard to implement the Brown decision, we will vigorously oppose all efforts to retreat. The AFL–CIO believes that H.R. 13915 represents such a retreat.

Before concluding, the AFL–CIO would like to mention H.R. 15299 and H.R. 13983. Both of these bills omit Title I, the assistance title of H.R. 13915. Although Title I is excluded, these two bills, nevertheless, include as part of their purpose "to provide Federal financial assistance for educationally deprived students . . ."

Actually, neither H.R. 15299 nor H.R. 13983 authorize any such financial assistance beyond the sole reference in their "Policy and Purpose" sections. For this reason, the AFL–CIO believes both bills properly belong within the jurisdiction of the House Judiciary Committee.

If the Subcommittee decides to give further consideration to H.R. 15299 and H.R. 13983, the AFL–CIO will be glad to submit more specific comments or I could comment today.

Mr. Chairman, we would like to file for the record, a copy of the AFL–CIO Executive Council February 1972 statement on school busing and a statement on the President's busing message by AFL–CIO President George Meany, on March 22, 1972.

Thank you.

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON SCHOOL BUSING, BAL HARBOUR, FLA., FEBRUARY 15, 1972

The AFL–CIO has consistently supported both quality education and integrated education. We have just as staunchly supported mass investment of federal funds to improve substandard schools. We have fought for legislation to achieve open housing as the most effective way to achieve integrated education.

The AFL–CIO Executive Council categorically reiterates these positions and adds:

1. We wholeheartedly support busing of children when it will improve the educational opportunities of the children.

2. We deplore the actions of those individuals or groups who are creating a divisive political issue out of America's vital need for quality, integrated education.

3. We will oppose the Constitutional amendment approach because it will do a disservice to the quality, integrated education which we support.

[For Release: Wednesday, Mar. 22, 1972]

AFL–CIO President George Meany today made the following statement on President Nixon's busing message to the Congress:

The President's message on busing significantly omits any commitment on the part of his Administration to enforcing the law of the land—quality, integrated education for America's school children.

He does not commit his Administration to the expenditure of one penny in new money to improve the educational opportunities of disadvantaged children. The Elementary and Secondary Education Act—already on the books—authorizes in Title I far greater expenditures than the President is proposing. The Emergency School Aid Act—already passed by both the House and Senate—is the source of the rest of the money the President proposes spending. In fact, the $2.5 billion the President talks about is far short of the authorized spending level in ESEA for the improvement of disadvantaged schools.

Ever since his inauguration, the President has consistently opposed increasing the appropriation for the program designed to improve schools attended by the disadvantaged.

He twice vetoed congressional efforts to increase federal funding of the nation's schools—including tens of millions of dollars for aid to disadvantaged schools. One of these vetoes was carried out in front of a national television audience.

Now the President is back on national television trying to convince the American people that he has changed his opinion on improving the educational opportunities of disadvantaged children. This is political chicanery.

No new legislation is needed to improve educational opportunities for the disadvantaged. An excellent law is already on the books. What is needed and what has been lacking, however, is Presidential leadership to encourage the Congress to increase the appropriations to their full authorized level.

Further, the "busing moratorium" President Nixon proposes is a cynical attempt to reward those who said "never," and to undermine the moral leadership of those citizens who endeavored to comply with the Constitution and the Supreme Court's 1954 decision.

The Administration has chosen a course that, at the least, is at the margin of constitutionality. The real loser in this Nixon-inspired constitutional confrontation will be the integrty of our legal system.

The Administration, while invoking the slogan "law and order," has repeatedly struck at the courts, which, since the time of John Marshall, has been regarded as the ultimate line of defense for constitutional liberty. It now proposes, in the guise of regulating the courts' jurisdiction, to deprive them of the power to enforce the 14th Amendment by busing orders designed to eradicate the last vestiges of

the segregated "dual school" system, even where that is the only method sufficient to secure true desegregation. If the 14th Amendment can be deprived of its vitality in this way then none of our constitutional rights is secure.

The harm to constitution is no less servere because the proposed legislation is of limited duration—to expire five months after the presidential election. For the rights in question are those of individual school children and once lost for any school year cannot be recaptured.

The AFL–CIO remains firm in its commitment to quality, integrated education. We are, therefore, opposed to the President's current political maneuvers on this question.

Mr. QUIE. I will have to say I agree with you without any added money for education it appears to me that both H.R. 15299 and H.R. 13983 ought to be in the Judiciary Committee. The Parliamentarian doesn't agree with either of us and we will have to deal with the bills.

Before getting into the whole question of busing, let me ask you, on page 2, at the bottom of the page, point 4, the problem inherent in the commingling of funds.

What is the problem in commingling?

I usually think of it——

Mr. YOUNG. What we mean is the commingling of ESEA title I funds and ESA funds.

Mr. QUIE. Along that line, Secretary Richardson's testimony indicated under title I now there is about 27 percent of the money going to the schools with 30 percent or more poor and the rest of it goes to the schools that have a lower percentage of the poor.

Under the Coleman concept, Dr. James Coleman of Johns Hopkins, the students that have the most difficult time to adequately assimilate their education are the ones who neither bring an educational advantage from home nor sit by an advantaged child in school.

Therefore, those with 30 percent or more poor, as we have in ESA, as we say, the ones disadvantaged, that is where the problem more seriously exists and we are concentrating in the large cities with title I of ESEA. You can't do that with concentrating in the State. What do you think of concentrating the funds away from the question of taking any of the money that now has been authorized for ESA but just concentrating money instead, title I or new money, at least talking of new money that is budgeted for this year?

Mr. YOUNG. Our thought is that if title I was financed with moneys appropriated up to the authorization level, there would be enough money, as we say in our testimony, to bring this figure up higher in terms of per pupil expenditure and you would be concentrating the money.

What we object to, citing an example, when the Washington School Board could not get the amount of money it should have received under title I, the Office of Education asked the Board, in effect, to concentrate in some schools instead of scattergunning. I think this creates a real problem.

I don't know any other answer when a program is underfunded or there are not enough funds.

I think if the necessary amount of money was there, we could get to a position where there were sufficient funds for compensation within the inner city and the rural poor. I think the basic problem is not enough funds.

Mr. QUIE. We won't be able to fund title I, in my estimation, or any of the programs in that area unless we set aside a tax for it. We are

willing to talk in those directions. We have been willing to talk for a long time about how to get the kind of money needed for education.

The House passed recently a revenue-sharing bill and waived the points of order so it would not be necessary to go through the Appropriations Committee.

Mr. YOUNG. I don't think that bill will help education.

Mr. QUIE. No, but that principle would help education, of setting aside money for education without having to go through the Appropriations Committee.

Mr. YOUNG. Mr. Chairman, I think that gets into a whole other area.

Mr. QUIE. I know.

Mr. YOUNG. I question where that money would go, how it would be spent, whether there would be some standards applied, would it be totally free money, what amount would be spent on education, and what sort of education.

Mr. QUIE. Are you saying you would not want it to be totally free money but would want direction from the Federal level on how it is spent?

Mr. YOUNG. That is right.

Mr. QUIE. I am afraid I share that view with you, at one time having proposed the idea of strictly general aid.

Let's get to the busing question. I think that is the real nub of this bill.

My own feeling is, title I is too controversial for us to bring out of this committee if we are going to bring anything out.

Second, when it was proposed that 90 percent of the school aid money would be used for compensatory education, there would be money for transportation. Congress, to everyone's surprise, permits the money for transportation now and even the appropriation bill did not put any restrictions on it.

I imagine a large number of schools will be requesting transportation money and that would be of benefit to them.

The question comes not to putting any limits at all on transportation.

The only real controversy I see existing in busing is so-called cross-town busing. I know they talk about busing as though some people think the whole thing is evil, but busing is used so extensively now to get children to school, do you think it is necessary to bring about total racial balance?

Mr. YOUNG. I am not sure I know. It seems to me total racial balance has the same sort of implication as the phrase "forced busing" or "mass busing."

I don't really think that is the question. I think the question is: Can you provide quality education, equal educational opportunities and at the same time protect 14th amendment rights in situations where clearly there is a denial and, given all the various options, if those options don't make it, can you exclude busing?

Our position is if there is this denial, if you can't get equal schools, then you must use busing as a tool. You can't deny those rights to the children. Of course, this is basically our opposition to the President's position.

We take the position, for example, that in the sections of the bill dealing with early grades, if there is a dual school system, if there is clear segregation and therefore 14th amendment denial as the courts have interpreted, then the schools obviously are not equal.

You can't say if that is that situation, we are still not going to bus if there is no other remedy.

We are saying there will be situations where there should be busing to overcome this denial.

Of course, today there is a general hysteria about busing. Forty percent of school children are bused to public schools. If you include private schools, the figure probably gets up to 65 percent.

Sure, we like the idea of neighborhood schools when it can be done. But there are loads of children in this country purposely taken away from neighborhood schools. There are handicapped children and endowed children. People often ask to have their children bused beyond the neighborhood.

If it can be done for retarded children and richly endowed children, then, when you have a denial of the 14th amendment it can be done for those children, too. And, any moratorium deprives these children of their rights.

Mr. QUIE. Busing of handicapped children is one-way busing; are you talking of one-way or two-way busing?

Mr. YOUNG. I am saying when you talk of the sanctity of the neighborhood school, some how that doesn't apply when you are talking of handicapped or endowed children.

If the school district has a special school for those children, they are bused and it can be in or out of the area. The school districts and the parents ask for it. It is a good school.

Mr. QUIE. I can see a reason for busing children to another school if there is no program available for them in the case of a handicapped child, but I can't see the busing of a person just because they can't acquire an adequate education because of their race.

I can see if there is superior education in other schools and they want to close that one for some reason they can't receive an adequate education but we are talking about here the kind of busing used where children are bused from one school to another school only to bring about a better balance of the race.

Mr. YOUNG. It seems where this is done it is done to get away from the dual school system.

Mr. QUIE. It has been done there but take in Detroit or Richmond——

Mr. YOUNG. That is what these bills talk about. They constantly refer to the dual school system.

We are saying where you have separate schools by race and the only way you can overcome that—when all other methods have failed but the bus—then you have to bus.

Mr. QUIE. The objection there is to overcome a dual school system.

Take Richmond or Detroit. Neither of those decisions were based on dual school systems.

Mr. YOUNG. As I understand it, without getting into an argument on the decisions, I think they were based on the question of whether the systems were set up in such a way as to have segregation.

The AFL–CIO supported the Scott-Mansfield amendment on the Senate side which said there would be no implementation of interdistrict busing until the court decision on this case. I think that is correct.

We also agree with Attorney General Brownell when he went before the Supreme Court prior to the *Brown* decision on who really should

be interpreting the 14th amendment denial of rights. He took the position it was the Supreme Court's job and the Congress and executive branch should not try to tell the court how to interpret the Constitution.

This is basically our position. We are not automatically for and did not speak in favor, of immediately implementing the interdistrict court decisions.

Mr. QUIE. You have the same question as we have about the validity of those decisions.

Mr. Peyser?

Mr. PEYSER. Thank you, Mr. Chairman.

I want to again welcome you to the committee this morning.

First, I think the support the AFL–CIO has given to education, in general, speaks very highly of the work the labor organization has done. They have been constant supporters of improved efforts for education and, frankly, before I came to Congress, I was not aware at all of the labor organizations' active interest in this field. I have been very impressed by this very positive attitude expressed by the organization in behalf of education in this country. I was very pleased to find this was the case and wanted to commend your efforts in this area.

On the question of title I, I want to touch on that for a minute.

I have been a very strong supporter of full funding under title I. I believe this is, certainly in my own areas of New York State, a vitally important program and one that has had a major impact on our educational facilities, but, of course, it is limited by the amount of moneys available.

I addressed the New York State administrators in New York several months back and in that address I set forth my views on title I in some detail and specifically how much it meant in the State of New York.

Mr. Chairman, if it is appropriate here, I would like this to be part of this record, dealing with the title I section.

Mr. QUIE. I think it would be fitting here.

Mr. PEYSER. I will submit it for inclusion.

(The copy of the address referred to follows:)

ADDRESS BY HON. PETER A. PEYSER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK TO THE NEW YORK STATE ADMINISTRATORS IN COMPENSATORY EDUCATION, AT GROSSINGERS, LIBERTY, N.Y., DECEMBER 5, 1971

EQUALIZATION OF EDUCATIONAL OPPORTUNITIES AND FUTURE DIRECTIONS OF SCHOOL FINANCES

Equality of educational opportunity for all our school-age children and youth has long been a principal guiding star for American public education. But until the advent of Title I of the Elementary and Secondary Educational Act, there was little federal encouragement for compensatory education to help culturally deprived pupils catch-up with their more culturally advantaged classmates.

This situation of limited federal involvement in compensatory education changed dramatically in the Spring of 1965 with the enactment of Title I of the Elementary and Secondary Education Act. With the clear purpose of providing financial assistance to school districts to meet the special educational needs of children from low-income families, Title I from its inception became the largest of all federal elementary and secondary education programs with first year expenditures totalling nearly 1 billion dollars nationally and over 112 million dollars in New York State. After six years, Title I is still the largest elementary and secondary education program with a national total allotment for fiscal year 1972 in excess of 15 billion dollars—with the share for New York State over 207 million dollars.

In addition to the largest appropriations, Title I also has the distinction of reaching the vast majority of public school districts in the United States. Thus, for example, during the previous school year, of the 824 local educational agencies in New York State, 648, or approximately 79 percent participated in the Title I program.

This broad distribution of Title I assistance has resulted in some criticism that the impact of Title I is too diffuse and that instead the program should be more highly concentrated in districts of highest need. To this argument, supporters of the present method of Title I distribution counter that pockets of poverty ought to be assisted wherever they occur, and not just where they are most numerous. Whatever the relative merits of each side of this controversy, the recently completed National Educational Finance Project offers important evidence that the present allocation procedure for Title I does generally provide the greatest assistance to the States which need it most. In other words, despite some imperfections, the greatest proportion of Title I money reaches those areas least able to afford compensatory education programs.

In general, if we draw back and attempt to obtain a perspective on the first six years of Title I, I think it is possible to identify at least three ways in which Title I has contributed to equalizing educational opportunities for the educationally disadvantaged. First of all, Title I has focused national, state, and local attention on the educationally disadvantaged and their special educational needs. Secondly, Title I has encouraged experimentation and innovation in a number of areas relating to the teaching of the educationally disadvantaged child. And thirdly, and most importantly, Title I has helped at least some of our educational disadvantaged children to overcome their educational deficiencies.

At the same time however, the experience of six years also reveals a number of ways in which Title I could be improved. Most sections of the Elementary and Secondary Education Act, including Title I, expire on July 1, 1973, which means that hearings on renewal and amendment will probably begin sometime next year or early in 1973. In my opinion, one principal area of Congressional focus at these hearings is going to be the general effectiveness of Title I and its particular effectiveness as an agent for equalizing educational opportunities. Tonight I wish to discuss at least eight needs for improvement regarding Title I. And of these eight needs for improvement, the first six in particular would seem to afford State and local Title I administrators a challenge to significantly increase the effectiveness of the Title I program.

(1) There is a need to make certain that our Title I program and projects really reach the most educationally disadvantaged children who are most in need of special educational services within each district. To help provide such greater accuracy in Title I participant selection, we also need to develop more effective means to determine who are the most educationally disadvantaged children within each target school.

(2) There is a general need to more fully inform the public, school boards, and school administrators about Title I—and its role as a supplement to the existing educational efforts. To help achieve this goal, there is also a particular need among Title I administrators to share and disseminate information regarding both successful and unsuccessful Title I programs and projects.

(3) There is general need to develop and promote teacher training programs which focus on working with the educationally disadvantaged. The object of such a training program would be to encourage openness of approach coupled with pragmatic flexibility among those who teach the disadvantaged child.

(4) There is a general need for the type of comprehensive Title I planning which would harmonize essential local control and participation with greater statewide coordination of all Title I programs and projects. And in particular, there is a real need to closely examine the administrative set-aside provisions currently in the Title I legislation to determine how they might best be strengthened to achieve this greater interrelationship.

(5) There is a most urgent need to develop effective evaluation structures involving among others, parents, teachers and other members of the community for Title I programs which will underscore what programs really work, and then tell us how and why they do. Possibly set-aside monies could be used to develop such an evaluative system.

(6) There is a need to reexamine the implementation of the eligibility requirements both in terms of possible new and existing formulas. Specifically, there is a need to seriously consider how we can obtain more recent data for each county

concerning the number of children from families with incomes under $2,000. At the present time, the Title I distribution formula uses 1960 census data to satisfy this requirement. Although we will soon be using the 1970 census data in the Title I formula, I seriously question whether we ought to wait another ten years before changing again. For this reason, I think we should immediately begin exploring the possibilities of collecting this needed data no later than every five years.

Additionally, active consideration should be given to more effective criteria for measuring eligibility for receiving Title I money with the possibilty of redefining the disadvantaged in terms of educational as well as economically disadvantaged.

(7) In a number of schools, particularly in large urban areas there is a need for safety and order in the schoolroom as a key prerequisite for any successful compensatory education program. During recent hearings before the House Education and Labor General Subcommittee on Education we heard shocking testimony on the incidence of crime, violence, and fear which is the norm for some schools in New York City. Under these conditions, there can be only minimal student learning no matter how inherently good the teachers or the program. Thus, there is a definite need to make certain our schools are safe from fear and terror. I believe that to bring this about it will be necessary to have substantially increased partipication by students and the local community.

(8) There is a need for full funding of Title I, but there is also a need for improved local and state educational finance structures. The recently completed five volume study of the National Educational Finance Project details how these finance structures—and particularly those with heavy reliance on the local property tax—result in a most uneven and unequal distribution of educational resources within most states. During the current session of Congress, a number of general aid to education bills have been introduced in the House of Representatives.

I am strongly in favor of this concept of general federal aid to education as a means to give financial relief to the overburdened property taxpayer. Such general aid, however, must be viewed as a supplement to existing categorical programs and not as a replacement.

Additionally, there have been some questions raised about the likely effects of the recent California Supreme Court decision, *Serrano* vs. *Priest* on Title I. In this case, the California Supreme Court ruled as unconstitutional that state's system of public school finance which is based substantially on the local property tax. Citing the equal protection clause of the Constitution, the California Court concluded that "this funding scheme insidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors."

At this stage it is important to remember that this ruling affects only the State of California and it has not been finalized even there. But I think it is possible to say that Title I funds are not involved in this case and that in fact eventual impact of *Serrano* vs. *Priest* would probably be beneficial to Title I since it should result in taking the pressure off poorer school districts and allowing them to concentrate on developing more effective compensatory education programs.

As we thus look to the immediate future of Title I as an agent for equalizing education opportunities, I think we may safely say that there is still much to be done, but that the time for action is auspicious. As Title I administrators with a six year perspective on compensatory education, I believe that you are in an excellent position to spearhead reforms which can improve the Title I program in the State of New York. It is my hope that, with Congress soon to amend Title I, you will also contribute your ideas, judgment, and analysis—to me or to the other Members of Congress—in order that we might emerge in 1973 with an even better compensatory education program for the future.

Mr. PEYSER. I know what you are supporting but I want to come now to the busing issue where I believe I disagree with the stand I think is being expressed by you for the labor forces at this time.

We have had a report in the State of New York, which I am sure you are familiar with, called the Fleischmann Report. It deals with what they call the regionalization of the schools districts. In other words, the metropolitan area becomes a school district, in effect, and

the city of Yonkers and other areas are part of this metropolitan school district.

Now, as I have viewed that report and what is implied in your statements, it would mean if we were to achieve any semblance of racial balance in that area, it would necessitate busing school children in the city of Yonkers away from the city of Yonkers without any question.

This is not the practice in my area now. We do a good deal of busing to get kids to school, but now we would be interjecting the concept of moving them out of their neighborhood into another area.

Are you saying that you support the type of movement that would bus children from Yonkers into New York City, which adjoins the Yonkers area?

Is the AFL–CIO statement here in support of that type of movement in the area?

Mr. YOUNG. First, thanks for your earlier comments.

I don't think there is a simple answer to this problem.

No; we are not saying that solely for the sake of racial balance you should take children from, say, roughly the white suburbs and move them to inner city schools. We don't see any sense in sending children to worse schools than they presently are attending.

What we are concerned about is that in many areas of this country you have school districts where inner city schools are horribly inferior to schools just outside the inner city. The States or localities, for one reason or another, have not been able to do anything to improve these inner city schools. The people that can move out; they move to the white suburban areas and get the better schools, and then they resist any efforts through taxation to improve the inner city schools. You end up in a situation where you have, for one reason or another, minority children getting one type of education and often predominantly white children in the suburbs getting a better education.

What we are saying is something is going to have to be done about that. You can talk about the property tax problem, you can talk about equalization through the States; there are a lot of different ways. You can talk of compensatory funds. There are a lot of things to talk about.

We are saying something has to be done about a two-class educational system or this country is in terrible trouble.

One of the ways of solving part of that problem may result in some busing.

Now, often when you talk about moving from, say, parts of Westchester County into the inner city, that doesn't make sense.

On the other hand, you have areas where you have children living, say, in the middle, between the inner city and a suburban area and then it comes time to build a new school. Instead of building somewhere in the middle area, the local education authorities build one school deep in the inner city and one school out farther in the suburbs. It sends the children in the suburbs farther out and the children in the inner city are sent farther in. That doesn't make sense. We say the school should be in the middle somewhere.

We don't think it is enough to say we aren't going to have busing, we are not going to bus under any circumstances. That is why we say you can't oppose busing as a tool, not as a first step, a great need, not as a

social experiment, but you have to have all of these various tools available.

Mr. PEYSER. I understand and appreciate that statement which does clarify to a degree the situation. I totally support getting the moneys into the so-called inner city schools and changing the level of education with better teachers, better salaries for teachers in those areas, better facilities where they are needed and upgrading in that fashion. However, the argument we are hearing is unless we bring students who are now at a higher level, due to the education they are receiving, into inner city schools, we are not going to raise the level of education. I don't think that is necessarily so.

I also know, as a practical matter, making that kind of move can end up having what I think to be a murderous effect on the public school system, which I very much support.

I felt the voucher system, an experimental program, would strike a strong blow against the public school system so I was very much opposed to that.

Unfortunately, I don't know if there is a real middle ground on this busing question. If we go ahead and say you can bus for racial balance and encourage it where there seems to be no other way of doing it, we are then talking of busing kids of my area into a totally different area. This happens just because of the geography of my area.

I find myself in the position of having to oppose a move that would enable situations to develop such as have resulted from the Detroit and Richmond court decisions.

Either of those decisions, in effect, might hit one of our areas and the city of Yonkers would be the obvious place it would hit.

I find myself from a practical standpoint having to oppose allowing that type of situation to develop. Do you see any solution to this situation?

Mr. YOUNG. I think this is one of the problems the courts are struggling with.

I would make it clear I do not think the answer simply is busing children that have gotten the advantage of a better education into the inner city. That, by itself, will not help the education of the children of the inner city. But I must say I am troubled.

I have a daughter that was born, just by coincidence, at the time of the *Brown* decision. I live in the suburbs. She just graduated from high school this year. Every once in a while I think, supposing I was black, supposing I lived in Washington. She would have gone through the entire public school system after the *Brown* decision and still be waiting for equality of educational opportunity.

Those of us that are interested in this problem both inside the Congress and outside the Congress are still struggling with the problem, still trying to come up with solutions, still trying to decide whether it should be done by doing away with a proper tax, equalization. But my daughter would have gone through the entire school system after the Supreme Court decision, and there would be no answer for her. What kind of kid would she have grown up to be?

Mr. PUCINSKI. The point you make points up the difficulty of trying to solve this problem. Since 1954 at the time of the *Brown* decision there have been these various efforts made to engage in extensive

busing and making children the pawns of a social system that grownups refuse to change.

In those 20 ensuing years, or 18 years, since the *Brown* decision, wouldn't you think the society would have found other answers than the massive busing to overcome racial segregation or racial isolation?

The difficulty I have is here, 18 years after *Brown*, where *Brown* has established the principle that you cannot have a separate but equal school system, every child is entitled to a good education and 18 years later the best remedy we can offer is busing. We have swept all the other social answers aside. I don't understand that.

Why do we say that that little youngster, who is apparently the easiest to manipulate, that youngster is going to be the pawn of a social system that for 18 years grownups have stubbornly refused to give that youngster the opportunity of a better education through intregration?

Mr. YOUNG. I agree this is the awful part of the problem.

The only thing I would say is, if you look at the statistics, 65 percent of the children going to school are being bused, for one reason or another. Approximately 3 percent are being bused for desegregation. So, I don't think it has been tremendous massive busing for desegregation.

Mr. PUCINSKI. I am talking—yes; I agree with you, of course, and we have for decades been busing children in this country. We would never have gotten good education for rural American had we not established consolidated school systems and busing to consolidated school systems.

Mr. YOUNG. At the time that was done, people in rural America resented busing and opposed it.

All I am trying to say is not that we are in love with busing. We are not in love with busing. What we are saying is until there is some real solution, we think it is wrong to prohibit all busing.

Mr. PUCINSKI. Here's the problem——

Mr. YOUNG. I want people moving into the suburbs; I want people in the area where they can get better schools——

Mr. PUCINSKI. Here is what I am concerned about. The evidence before this committee over a long period of time, and it is unfortunate every time somebody tries intelligently, honestly and sincerely to discuss this issue, if he has the slightest doubts about the value of busing, he immediately is tagged as a racist, a bigot, and everything else.

There happen to be some people on this committee and in this country who are sincerely looking for answers. I am one of them. We have watched for a long time the developments of this phenomenon and I am concerned when a court in Los Angeles orders the busing of 240,000 children every day to establish a racial balance in that school system.

I am disturbed when we see what is happening on a multicounty basis in Detroit, in many other communities, north and south.

I am disturbed when I see in Baker County, Ga., a court ordering integration of schools through busing and the whole white population leaving the school system, and this leads to complete resegregation of the school system. Obviously, we are dealing with a very difficult problem.

When I talk of massive busing, wherever you have that kind of busing, the middle-income white children and middle-income black

children leave the school system and within 30 months you have resegregation.

I am not completely convinced the proposal by the administration is the solution to this problem. Neither am I convinced the court orders handed down are the solution to this problem.

We are finding in community after community where massive busing has been ordered to correct the racial imbalance, white students leave the system and you are worse off than when you started.

What is your solution?

If the gentleman will yield further, what is the solution?

In my district, my congressional district, we have been busing children for 6 years. We had some vacant classrooms in my district and we have overcrowded schools in an adjoining district and so 6 years ago we began busing children. There was great consternation. I, myself, was very critical of the move at that time because no effort was made to improve the educational program—there was no educational supporting program with the busing and many youngsters from the inner city school coming to my district schools were not prepared. They became prepared and now after 5 years we see some significant improvement, not only in reading improvement but, more important, in the learning habits of the children.

I can see where we can cite some examples of where busing was helpful but for the massive busing that many court orders are requiring, they look at the Constitution and say that the Constitution requires it. They don't look at the practical side; they don't look at the fact that many middle-income black and white families leave

How do they and we handle that?

Mr. YOUNG. Let me go back.

You say all those questioning busing are not clearly bigots. I agree with you.

I would say to you all those who say busing must be available as one tool, are not social experimenters. They, too, are grappling with the problem.

I agree there are many problems.

I think in many court cases the courts didn't order busing because they wanted to order busing. They ordered busing because there was no other alternative because the school systems, for one reason or another, have not tried to resolve the problems. Sometimes there are very difficult problems to resolve.

I think some school districts have done a very good job of trying. I think some school boards have tried very hard and then they have been thrown out. Sure, it's a tough problem.

I guess what we are saying is that Congress, the executive, the judiciary branch, all three branches have to work on this whole problem. We say the answer is not just to say we can't have busing.

Our position, simply stated, is that when everything else fails, when there is clearly a denial of 14th amendment rights where you are not having equality of educational opportunities, then there is going to have to be some busing.

If we can work out some ways to solve these problems without busing, that is fine with us. We are not wedded to busing children.

Mr. PEYSER. I want to say, so the record doesn't look as though I

disappeared into thin air, I thank Ken for his testimony, and relinquish the balance of my time.

Mr. PUCINSKI. We have had testimony before this committee by Mr. Pottinger and others which indicates you could effectuate a great deal of integration of children in this country not by busing but by changing school attendance zones.

The emergency school bill the President signed, thank God, in that emergency school bill we have a provision that if a school district established school attendance zones which are racially nongerrymandered, school boundaries that are colorblind and assign children to schools on a basis of geographic assignment, the school qualifies for assistance under the act.

We are talking about busing and having this country totally polarized on this issue of busing, so much so that we have ignored the many other possibilities. For instance, you know there are 27,000 high schools in America, of which 20,000 are lily white. There are 2 million minority school children in America. If each of those white high schools took no more than 100 of those children, there would be no ghetto in this country; there would be no problem in America.

We have funds in the emergency school bill for those problems and we hope many of our urban schools will take a look and see if they can make a contribution. Mr. Pottinger's testimony should be examined because he has shown where a great deal of integration could be achieved, not by busing, but by establishing more realistic school boundaries.

This is why, it seems to me, we ought to have somebody providing some leadership in finding solutions to this problem without getting this country all torn apart the way it is now.

Mr. YOUNG. I am in total agreement with that and the use of the ESA funds for the purposes you spelled out. I have no problem with that. In fact, one of the reasons we oppose the administration bill is we don't like the idea of what we term commingling and using some of those funds for the compensatory education program.

Let me point out the Civil Rights Commission in its study on busing had a statement we subscribe to, and I think you would subscribe to, Mr. Chairman, where it describes busing as "simply one of the many tools with which school districts can carry out their constitutional duty to desegregate. Busing is a last resort and on that basis busing must be used to meet their constitutional obligation."

That doesn't mean you shouldn't try all the ways and try to accomplish this purpose.

All we are saying is if these aren't tried, if they are unworkable, whether we like it or not, there will have to be some busing.

Mr. PUCINSKI. Again we get to the semantics of this thing when you say "some busing."

My feeling is—as a matter of fact, we made a survey in my district and last year's survey showed when we asked the question, "Do you have any objection to children being bused into your schools?"—some 52 percent said, "No; we have no objection."

But when we asked the question, "Do you object to having your children bused out of your community to other schools?"—then it became 98 percent strongly objecting.

So, when you say "some busing," the question again comes up: What do we mean? Do we mean an order like Los Angeles with 240,000 children bused every morning and every afternoon, or find some other reasonable way of doing that?

I would like to get to another aspect of this legislation. I could feel a good deal more excited about this whole proposal if we could write into this bill a new title with some meaningful general aid to education. In other words, if we can establish a good program of assisting the schools of this country, the public schools of this country, so that all schools have a good educational program. As you know, California, Texas, and Minnesota courts have already ruled that you can't rely on the local taxes because reliance on local taxes provides unequal educational opportunities. The poor children in the ghetto get the poor education and rich children in the suburbs get a good education.

We could construct some legislation that States must accept a formula of equalizing the expenditure per student for every student in that State with assistance from the Federal Government and perhaps assure every child in this country a good education.

I am wondering if at that point we might not find some middle ground for using busing as a last resort as you are suggesting.

Mr. YOUNG. In answer to your specific question, if there was a general aid title to this bill, 13915, we would still oppose the bill because of other provisions in it. I do not mean that as an attack on general aid. If we could get general aid money, on top of present programs and not as a substitute, of course, and if it was done in such a way that—I think you would have to include not only equalization with present schools but probably some compensatory or catch-up money. I think most studies show to really do it——

Mr. PUCINSKI. I am not suggesting we do it with title I; that would have to stay just the way it is.

Mr. YOUNG. I think that would be an important step and will solve some of the problems.

One problem it would not solve and something that has to be looked at is where you still have a dual school system which is unconstitutional.

I suggest if the schools were really equal, you would not have this tremendous resentment about moving one way or the other.

I suggest that I could understand if I lived in your district and you said to me, do you mind children coming in, and I knew that meant it wasn't going to be doubling the teacher-pupil ratio, crowded schools or two shifts, OK, fine.

But, if you said, how about moving your children out, and that would mean Chicago, I would say, "Nuts," because I worked my way out of the plant to get out in that district with a better school. I don't want my children going into the inner city under any circumstances, especially not to an inferior school.

Mr. PUCINSKI. You are probably right. This is why Brown struck down de jure segregation where they said black children go here and white children here. That was struck down and Brown made the right decision.

We are talking of a school system that will give every child in the State the same amount of money for the same quality education the other child gets. Once you establish that kind of system, my judgment

is that as neighborhoods change, schools become integrated, become resegregated, some schools remain all-white or all-black, you will have all sorts of school systems but they won't be established by some law that says black children go here and white children here.

My feeling is if we could equalize the quality education every child gets, black, brown, white, rich or poor, then my judgment is the courts could view this entire matter differently.

I am not surprised the courts issue the kind of orders they do now. They look at one school that is a good school, another school is a very bad school, and look at the Constitution, they have no recourse. But if you have the assurance every school is a good school, my judgment is the courts are not going to be viewing this matter strictly on the basis of racial mix except in those areas where racial mix has been promulgated by the deliberate drawing of boundary lines or other procedures to separate the races. They should strike that down.

Would you agree with that?

Mr. YOUNG. I agree with parts of it, Mr. Chairman.

I would point out that H.R. 13915 deals with dual school systems; it doesn't talk about de facto. That is one of the facts that disturbs me.

The other point I want to make clear is, we think part of quality education is integrated education. I know there are going to be places even under the system you suggest where, with all good faith, schools will be predominantly ane race or another.

I would like to see, and we would like to see in the future, integrated schools because we think it is part of one society and part of education.

Mr. PUCINSKI. Do you have any comments—you have been talking of H.R. 13915. What about Mr. Quie's H.R. 15299? Have you expressed any views on that?

Mr. YOUNG. I suggested that it didn't belong before this committee. Mr. Quie said it had been referred, it is clearly true, and I think he sort of agreed with me, it should have been referred to the other committee

Mr. PUCINSKI. Which committee?

Mr. YOUNG. Judiciary.

Mr. PUCINSKI. No; they don't know anything about education over there.

Mr. YOUNG. I don't believe H.R. 15299 deals with education. As I point out in the testimony, in the policy and purpose clause, it says, "shall provide Federal financial assistance for educationally deprived students."

There is nothing in the bill that will do that.

My argument is this bill only deals with how the courts should act on a dual school system.

Mr. PUCINSKI. If I may make this point. We have been talking here about education and you just made a statement that you believe that integrated schools enhance the quality of education for both white and nonwhite children. There is no question they are going to be living in an integrated world, integrated society, they might as well start learning how to live with each other at the earliest level.

To that extent, it seems this is an educational problem and not a legal problem. I think that is what Mr. Quie was referring to.

Mr. QUIE. The part you refer to was inadvertently left in.

Mr. YOUNG. If it was left out, it would have been referred to the other committee.

Mr. QUIE. When it was introduced, we expected it to go to the Judiciary Committee. I asked the Parliamentarian if we could draft it to go to the Judiciary Committee, and he said, "No."

Mr. YOUNG. Mr. McCulloch's bill not only includes the same policy and purpose as the assistance bill, it defines sections in the assistance title that were pulled out. I would be willing to submit comments. I know you have other witnesses.

Mr. QUIE. I think we should get on to the other witnesses.

Mr. PUCINSKI. I would like you to look at 13915 and besides the part as to jurisdiction——

Mr. YOUNG. You mean 15299——

Mr. PUCINSKI. Yes; 15299, and I wonder if we could have some expression from you either in writing or perhaps you would like to come back.

Mr. YOUNG. Either way is fine with me.

Mr. PUCINSKI. We will discuss that with you, but I do understand our next witness has to catch a plane out of here.

I am very grateful to you, Mr. Young, for being here to start off the hearings. I am grateful to the AFL–CIO for their opinion. I know the committee will want to consider very carefully the objections you raised to 13915. We do want your opinion on H.R. 15299.

(The information to be furnished follows:)

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., July 31, 1972.

Hon. ROMAN PUCINSKI,
Chairman, General Subcommittee on Education, Education and Labor Committee, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: During the AFL–CIO's testimony on H.R. 13915, the Equal Educational Opportunities Act of 1972, you requested our comments on H.R. 1529, legislation introduced by Representative Quie.

As you will recall, The AFL–CIO testimony spelled-out our opposition to H.R. 13915 and pointed out that we believed H.R. 15299 properly belonged within the jurisdiction of the Judiciary Committee since it was similar to H.R. 13915 except for its exclusion of Title I—the title that provided federal assistance for compensatory education.

Since our testimony, your subcommittee has reported out—as H.R. 13915—legislation basically the same as the original Quie bill. The AFL–CIO wishes to reiterate its opposition to this legislation and asks that this letter be included as part of the record of hearings now being conducted by the full Education and Labor Committee.

The AFL–CIO considers the present H.R. 13915 to be nothing more than an anti-desegregation, anti-busing proposal. We see nothing in the proposed bill that possibly can justify the "Equal Educational Opportunities" title.

On the contrary, the bill would prohibit the busing of childen in the sixth grade or below beyond the "closest or next closest to (the student's) place of residence" even when such busing is the only remedy to a denial of 14th amendment rights.

In the case of students above the sixth grade, transportation of students beyond the "closest or next closest" school only could be required in conjunction with one of the non-transportation remedies listed in the bill. Yet, some transportation clearly is required if the other remedies are to be workable. As we read H.R. 13915, if transportation is prohibited under the terms of the bill, no realistic remedy is possible.

The AFL–CIO also in concerned about the "reopening proceedings" permitted under the Title III. This section permits local education agencies to reopen court orders or Title VI Civil Rights Act plans already being implemented to conform them with the provisions of the bill.

Many school districts throughout the nation have worked diligently to eliminate dual school systems. Unfortunately, other school districts have resisted all

efforts to bring about desegregation. Title III of the proposed bill rewards those districts that have resisted, while forcing those districts that have complied with the law to—once again—reopen an often painful process.

The AFL–CIO is firmly convinced that the real purpose of H.R. 13915 is to frustrate the efforts of the courts to deal effectively with violations of 14th Amendment rights. Clearly, Congress should not enact such legislation.

As AFL–CIO President George Meany declared, March 22, 1972: "The rights in question are those of individual school children and once lost for any school year cannot be recaptured."

Sincerely,

KENNETH YOUNG,
Assistant Director, Department of Legislation.

Mr. PUCINSKI. We are pleased to have as our next witness Dr. David Armor of Lexington, Mass., who recently completed an exhaustive study on the effects of busing.

Dr. Armor, would you please come forward?

STATEMENT OF DR. DAVID ARMOR, LEXINGTON, MASS.

Mr. PUCINSKI. I will ask Mr. Quie to preside until I get back. I will be back in a few minutes.

Dr. Armor, we are pleased to have you here. I have had occasion to look at your report. It will got in the record in its entirety. It is an exhaustive study and you are to be commended for your skill and ability and proceeding along on this very important investigation that you have completed, and I am sure it will play a significant role in the deliberations of this committee.

I want to welcome you to the committee.

Your entire statement will go in the record at this point.

(The statement to be furnished follows:)

STATEMENT OF DR. DAVID J. ARMOR, WITH THE ASSISTANCE OF MARY JO GOOD, HARVARD UNIVERSITY, ON THE EFFECTS OF BUSING*

It would be impossible to count how many policy statements, how many scholarly treatises, or how many commentaries have reaffirmed, reconfirmed, and reasserted the tenet that:

"To separate (black children) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone."

Few decisions of the Supreme Court have provoked so much controversy for so long, or have had so much impact on the way of life of so many as the one in 1954 from which these words were taken. Men have fought, groups have rioted, and states have divided over actions, direct and indirect, that have flowed in consequence of this ruling. Policy-makers have used it to help restructure political, economic, and social institutions. Journalists have held it up to politicians, businessmen and the public in general who would thwart the reformation. And social scientists have let it stand as the premier axiom of their field—one of the few examples of a social theory which has found its way into formal law.

Following the famous doctrine each decade had its own unique type of conflict and controversy. First there were the boycotts, the sit-ins, and the marches that by 1960 had focussed the nation's attention on the problem. Then came the militancy, the rioting, and the death in the middle and late sixties' that revealed the depth of the problem and the desperation of the victims. Finally, as the great wheels of institutional change finally gained momentum and headed towards

*Part of the work reported herein was made possible by a grant from the Spencer Foundation administered through the Harvard Graduate School of Education. Helpful criticisms of early drafts of this paper were provided by James Jones, Claude Fischer, George Perry, and Nancy St. John.

the defeat of de jure and de facto segregation, the 1970's brings the busing crisis.

Is the busing crisis really over neighborhood schools, or does it reveal a deeper set of conflicts? On the way to ending segregation, since policy makers have seen no other solution, we see the prospects of metropolitization, regional government, regional school systems, federally-financed schools, anti-zoning laws, or even an end to the local community in order to bring about racial balance in schools. While the current controversy may focus heavily upon busing and school integration, it is obvious that the changes being advocated to gain school integration are infinitely more far-reaching in their potential impact on American life-styles.

Many persons probably do not fully appreciate the role played by the social sciences in helping to ignite and sustain the forces behind the desegregation movement. While it would be an exaggeration to say that they are responsible for the busing dilemmas facing so many communities today, it would be hard to imagine how the changes we are witnessing could have happened so quickly without the scientific legitimization provided by virtually hundreds of sociological and psychological studies. At every step—from the 1954 Supreme Court ruling, to the Civil Rights Act of 1964, to the federal busing orders of 1970—social science research findings have been inextricably woven with policy decisions.

It is one of the ironies of the relationship between science and policy that the conditions for adequate research are often not met until a policy is in effect, and yet the policy often cannot be made until supported by science. As a consequence, the desire for scientists to effect society and the desire for policy-makers to be backed by science often leads to a connection between policy and science that may be more political than scientific. Further, this means that the evaluation research of a social action program may undo the very premises on which the action is based. There are obvious dangers for both science and policy in this paradox. There is the danger for policy that important and significant programs may be stopped when scientific support is lacking or reveals unexpected consequences; there is the danger for science that important research is stopped when expected results are not forthcoming. The current busing controversy may be a prime example of this situation.

With the onset of massive and compulsory school integration across the nation comes the first opportunity to conduct realistic tests of the integration policy model that forms a crucial part of the movement's justification. While this policy model is based in part upon social science research, it is research that does not duplicate the actual and realistic conditions of racial integration. The research designs have been *ex post facto:* comparisons have been made between persons already integrated with those in segregated environments. Since the integration experience occurred *before* the studies, any inferences about the effects of *induced* integration based on such evidence is speculative at best. But the new research that is being carried out in many of the cities experiencing induced integration does not need to suffer this limitation. While it may have other short-comings, it offers neither the artificial constraints of the laboratory experiment nor the causal ambiguity of the cross-sectional survey. As a result, the findings of these researches may hold many surprises for the policy-maker as well as the social scientist.

The major task for this essay will be to explore some of the most recent discoveries of this new research and to provide some interpretations and explanations. We will set the stage by tracing the evolution of the integration policy model which has brought us to this juncture. Following a look at the data which provides a partial test of the model, we will discuss the meaning of the data for social science and social policy.

THE INTEGRATION POLICY MODEL: STAGE 1

One of the difficulties in testing social science theory is that it is hard to come by a model which reflects broad consensus in a field. Conflicts over concepts, over their relationships, over their operationalizations, and over their proper testing are legion. But policy-makers cannot enjoy this scientific license; decisions have to be made based on whatever evidence and opinion is at hand. Therefore, a policy model can often be inferred from policy statements and decisions.

The integration policy model implied by current policy decisions has roots in social science results dating back to pre-World War II. While the abolition of slavery was defended on moral grounds, with no deference to science (what little

of it was relevant), the elimination of school segregation has presented a different history. Although some legislative anti-segregation actions have been based upon direct constitutional interpretations, a good many—including the famous 1954 Supreme Court decision—have used social science findings in order to document the harmful effects of segregation. Segregation, per se, is not outlawed by the constitution, nor is it strictly prohibited by American moral codes. Evidence for this exists everywhere—from the "separate but equal" doctrine which predominated before 1954 to the extensive segregation of social classes, religious groups, and ethnic minorities throughout the country. Of course, compulsory segregation of the white and black races can be argued as a violation of the 14th amendment, especially when only one racial group is writing the laws. But even here the Supreme Court felt obliged to argue that legal segregation is *inherently* unequal, since the 14th amendment concerns equality and not segregation. And for this claim the Court had to reach for social science research which established the connection. As for compulsory *desegregation*, there is practically no constitutional precedence. On the contrary, there is the danger that such policy will come into conflict with constitutional guarantees of freedom of association.

The earliest connection between segregation and inequality was most explicitly portrayed in the works of Dollard (1937) and Myrdal (1944). These classics were the first prestigious social science studies to throw heavy doubt on the assumption that emancipation had ended America's racial problems. They pointed out how prejudice, discrimination, segregation, and inequality had replaced slavery as the primary means of keeping the black man in a subordinate caste status. Myrdal summarized all of this with the famous "vicious circle" postulate: white prejudice, in the form of beliefs about the inferior status of the black race, leads to discrimination and segregation in work, housing, and social relationships; discrimination in turn leads to social and economic inequality; inequality in turn circles back to reinforce and solidify the white prejudice that started it all. The vicious circle theory was the integration policy model in embryonic form.

Appearing at about the same time as these broad, sociological studies were a number of important psychological experiments which were to play a crucial role in the policy decisions ahead. Perhaps most notable for their dramatic effect were the doll studies of Kenneth and Mamie Clark (1947). They found that preschool black children were much less likely than white children to prefer dolls of their own race. While these effects tapered off when older children were studied, they concluded that racial awareness and identification occurred at an early age, and that the doll choices revealed harmful and lasting effects on black self-esteem and performance which were a direct result of the prejudicial beliefs and discriminatory action of white society. Many other studies have since confirmed these early findings (Proshansky and Newton, 1968), some as recently as 1970 (Porter, 1971). This suggests a psychological dynamic that, when added to the vicious circle, helps explain its operation: the results of prejudice and segregation leads to feelings of inferiority and an inability to succeed that sustains inequality and further reinforces the initial white prejudice. In other words, the social conditions of a segregated society and the assumptions on which it is based leads to serious psychological damage to the black child; and the damage is sufficient to prevent the kinds of adults behaviors which might enable the black man to break the circle.

How could the circle be broken? This question plagued a generation of social scientists in quest for the solution to America's race problem. A number of studies appeared after the war which were to have important consequences for the answer. Two stand out as having especially significant impact; both focused upon the effects of segregation and integration upon white racial attitudes. The first was part of Samuel Stouffer's massive research on the American soldier during World War II (1949). Among the many findings reported were the results of a study of integrated companies during combat conditions. Stouffer found that while soldiers in combat companies with a black platoon were far more likely to accept the idea of fighting side-by-side with black soldiers than were white soldiers in nonintegrated companies. The second work was the study by Morton Deutsch and Mary Eva Collins of interracial housing. Comparing residents of similar background in segregated and integrated public housing projects, they found that whites in integrated housing were more likely to have friendly relationships with blacks, to endorse interracial living, and to have more positive attitudes towards blacks in general than whites living in the

segregated projects. While neither of these studies were able to measure attitudes *prior* to integration, neither author had reason to believe that the integrated whites differed from the segregated whites before the former's experience with blacks. Therefore, they concluded that the results were due to the effect of interracial contact.

The culmination of this research was reached in Allport's influential work, *The Nature of Prejudice* (1953). Using the works of Stouffer, Deutsch and Collins, and others, he formulated what has come to be known as "contact theory":

"Contacts that bring knowledge and acquaintance are likely to engender sounder beliefs about minority groups . . . (therefore) Prejudice . . . may be reduced by equal status contact between majority and minority in the pursuit of common goals. The effect is greatly enhanced if this contact is sanctioned by institutional supports (i.e., by law, custom, or local atmosphere), and if it is by a sort that leads to the perception of common interests and common humanity between members of the two groups."

The clear key to breaking the vicious circle, then, was contact. By establishing integrated environments for black and white, white prejudice would be reduced, discrimination would decline, and damaging effects upon the black child's feelings and behavior would be reduced. He would finally be able to attain full social and economic equality within white society.

While the Supreme Court based its 1954 decision upon the narrower relationship between legally sanctioned segregation and psychological harm, it is clear that the modus operandi by which the damage would stop is that implied by contact theory. With the 1954 decision, therefore, social theory becomes a policy model, and the Southern public school systems become prime targets for its implementation.

THE INTEGRATION POLICY MODEL: STAGE 2

In the eyes of the northerner, segregation has always been a Southern problem. The Supreme Court's action at first reinforced this belief, since state-sanctioned school segregation was rare outside the South. But events of the late 1950's and early 1960's put an end to the North's blissful innocence, events that shift spotlight from science and policy to public action.

The modern civil rights movement began in the South, as might have been expected, with the successful Montgomery bus boycott in 1955 and the organization of Martin Luther King's Southern Christian Leadership Conference in 1957. But the new defiance and militancy of King's movement sparked the sympathy of northern white students who were just emerging from a decade of "student apathy." They traveled to the South by the thousands to join into the sit-in movement in the summer of 1959. Unencumbered by the traditional blinders of their northern elders, it did not take the students long to realize that segregation and inequality were as rampant in the North as the South. Aided by the formation of CORE and SNCC chapters on university campuses across the nation, the southern sit-in movement became a national movement. The race problem had spread to the North for good.

The high point in the non-violent civil rights movement was reached in the 1963 March on Washington. Organized to dramatize the failure of court action to end segregation in the South, it brought together some 250,000 persons in what was the most impressive organized protest meeting in the history of the country. It brought home to legislators for the first time the deep and massive support for anti-discrimination legislation.

The Congress answered this appeal by passing the Civil Rights Act of 1964, the strongest civil rights act by Congress since the Civil War. It contained provisions that included strong sanctions against discrimination in education, employment, housing, and voting (the last being supplemented by the Voting Rights Act of 1965). While the thrust of the Act was still aimed at the South, it set standards that could be used against de facto segregation in the North. For example, the Title VI provisions enabling the withholding of federal funds to localities which intentionally maintain segregated schools have been applied to the City of Boston. Perhaps more important, the standards have stimulated many states to promote racial balance laws and programs of their own.

The 1964 Act had another impact in quite a different direction. It commissioned the United States Office of Education to conduct a survey ". . . concerning the lack of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States . . ." Sociologist James Coleman was selected to head a team

to design and conduct the survey. Science had given support to policy; and now policy supports science.

The Coleman report (1966), as it has come to be known, contained striking evidence of the extent of school segregation in all parts of the country. While the South was more segregated than the North, fully 72% of black first graders in the urban north attended predominantly black schools. The report also confirmed one of the basic assumptions of the stage 1 model: that black performance and attitudes are poor compared to white students. Using results from a variety of achievement tests, Coleman reported that throughout all regions and grade-levels black students ranged from 2 to 6 years behind white students in reading, verbal, and mathematics performances. Likewise, black students were shown to have lower aspirations, lower self-esteem about academic ability, and a more fatalistic attitude about their ability to change their situation.

The Coleman study also reported some surprising findings that were not in accord with the early model. For one thing, black children were nearly as far behind white children in academic performance in the *first* grade as they were in later grades. This raised some question about whether school policies alone could overcome the black-white inequalities. Adding to the significance of this finding were the facts that black and white schools could not be shown to differ extensively in facilities or services, and what differences there were could not be used to explain much of the difference in black and white student achievement. This led Coleman to conclude that:

"Schools bring little influence to bear on a child's achievement that is independent of his background and general social context; and this very lack of an independent effect means that the inequalities imposed on children by their home, neighborhood, and peer environment are carried along to become the inequalities (of their adult life)."

While the findings about segregation and black-white differences have been widely publicized and largely accepted, this third set of Coleman findings has been ignored by educational policy-makers. Part of the reason may have to do with the methodological controversies which surrounded these findings (e.g., Bowles and Levin, 1967), but a more important reason may be that the implications were too devastating to the heavy investment made by the educational establishment in rehabilitative programs for the culturally deprived. The connection between policy and science does have its limitations.

We must return to the public sector one more time for an important input into the final policy model. The civil rights movement of the 1950's uncovered the race problems in the North, but until the middle 1960's the problem was still conceived largely in terms of the white man's prejudicial and discriminatory beliefs and behavior. This ended with the death of Martin Luther King in 1968. The Watts riot of 1965, the scattered riots in Chicago, Cleveland, and other cities in 1966, and the holocausts of Detroit and Newark in 1967 were preludes to a drastic change of the definition of the problem. The black man had tired of being a passive observer of the often feeble and seemingly futile battles between white reformists and white racists over his status; he began taking matters into his own hands. Clearly, these episodes mark the beginning of the search for true black identity and self-respect. Integration and equality could not be something that the white man gave away; it had to be something the black man would fight for and win.

The growth of the Black Muslims and various other black nationalism movements furthered this trend, but after the death of King it took a new and more ominous turn. The rhetoric and violent tactics of the Black Panthers which began in 1968 finally revealed to white liberal society that there were *two* sources of prejudice and intolerance. The fight against white bigotry had to be coupled with an attack on racism and separatism of the new black militant ideology. There was a new urgency in the quest for a solution to the race problem in America: if definitive action was not taken, there would be the risk of total polarization of the black and white races and the possibility of an all-out race war.

In 1965 President Johnson requested the United States Commission on Civil Rights to conduct an investigation into the extent and harmful effects of de facto segregation in the nation and to make recommendations about how it might be remedied. He expressed hope that the findings ". . . may provide a basis for action not only by the Federal Government but also by the States and local school boards which bear the direct responsibility for assuring quality

education." The Commission reported in 1967 in a volume entitled, "Racial Isolation in the Public Schools." The findings and recommendations of the Commission, as elaborated in this report, constitute the most comprehensive policy statement to date on the subject of school integration. It is a policy statement which is, indeed, being followed by many states and local school boards throughout the country.

Using data from the Coleman study and several other original studies prepared for the Commission, the report concluded that:

"Negro children suffer serious harm when their education takes place in public schools which are racially segregated, whatever the source of such segregation may be. Negro children who attend predominantly Negro schools do not achieve as well as other children, Negro and white. Their aspirations are more restricted than those of other children and they do not have as much confidence that they can influence their own futures. When they become adults, they are less likely to participate in the mainstream of American society, and more likely to fear, dislike, and avoid white Americans. The conclusion drawn by the U.S. Supreme Court about the impact upon children of segregation compelled by law—that it "affects their hearts and minds in ways unlikely ever to be undone"—applies to segregation not compelled by law."

In order to remedy this situation, the Commission recommended that the federal government establish a uniform standard for racial balance and provide financial assistance for states that develop programs to meet the standard. The Commission itself did not recommend a specific standard, but they did suggest that the standard be no higher than 50% black in any single school.

This, then, is the basis for the integration policy model we wish to test. While the implementation of racial balance programs has differed from one locality to the other, the underlying rational of all of these programs is similar to that formulated first by the Supreme Court and extended by the Civil Rights Commission. To summarize the full policy model, the starting point is white prejudice consisting in stereotyped beliefs about black people. These beliefs lead to discriminatory behavior in employment, housing, schooling, and social relationships in general. Discrimination in turn leads to social and economic inequality, on the one hand, and segregation on the other hand. Inequality and segregation are mutually reinforcing conditions, reflecting not only the judicial doctrine that separation is inherently unequal, but also the social reality that segregation of a deprived group can cut off channels and networks that might be used to gain equality. Segregation and inequality combine to cause psychological damage in children in the form of lower achievement, lower aspirations, and less self-esteem.

As the child grows older, this damage leads on the one hand to further social and economic inequalities in the form of inadequate education and inferior jobs, and on the other hand to black alienation, prejudice, and hostility toward whites. This in turn leads to increased white prejudice (the vicious circle) and a general polarization of race relations. Given these cause and effect relations, the elimination of segregation in schooling should act as a counterveiling force for black students by increasing achievement, raising aspirations, enhancing self-esteem, reducing black-white prejudices and hostility, and enabling black students to find better educational and occupational opportunities. It then follows that social and economic inequalities would be lessened, and the vicious circle would be bent if not broken.

It must be stressed that this model is one inferred by policy and not necessarily one adopted from social science. While many of the causal relationships assumed in the model, are, indeed, based upon scientific evidence compiled over many years of research in psychology and sociology, it is doubtful that any two specialists in the field of race relations would agree on all of the components of the model. Be that as it may, it is more to the point to say that until the start of the large-scale school integration programs there was no way to test such a model.

We also point out that the data we have collected cannot test all aspects of the policy model. Such data would have to be collected over a period of at least two generations. Our test focuses, instead, upon the relationships in the model which connect school integration with educational damage and racial prejudice with a primary focus on black students. In particular, we will be testing the submodel that school integration enhances black achievement, aspirations, self-esteem, race relations, and opportunities for higher education.

THE DATA

Dozens of cities throughout the country have implemented programs to bring about racial balance in their schools. Some of these programs are responses to court-ordered integration (most of these being in the South), some are in response to state directives on racial balance; some reflect the initiative of local school boards; and some are voluntary programs involving cooperation between central city groups and predominantly white suburban school systems. Whatever the stimulus, these programs provide us with the first opportunity to study the impact of school integration on a fairly large scale and to assess, for black students, the adequacy of the integration policy model upon which these programs are based.

Many of the cities which have desegregated their schools have conducted research programs to evaluate the outcomes of desegregation. It is from these studies that we can derive data to test the hypotheses stemming from the policy model. Since all of the studies were conducted independently, the variables studied and the research designs differ from one study to the next. Also, the quality of the research and the reports vary considerably. Accordingly, we have been selective in choosing studies to include in our analysis. Our choices have been guided primarily by two considerations: (1) a study must employ a longitudinal design, with the same instruments being administered at different times during the integration experience so that actual changes can be assessed; and 2) a study must have a control group for making comparisons with integrated black students. The ideal control group, of course, would consist of black students who are identical to the integrated students in every way except for the integration experience. Since such studies are rare in evaluation research, an "adequate" control group for our present purposes is either a group of non-bused black students who are reasonably comparable to the bused black students, or a group of white students in the same school as the bused black students. In the latter case, the effects of integration are revealed in the changes in the black-white differential for the measure in question.

In spite of these precautions, we must still warn that it is difficult to make comparisons and generalizations when data are derived from different studies.

Also, all of the studies we review were done in northern cities, so that our findings may not be generalizable to the South. Nonetheless, the studies do reveal sufficiently clear and consistent findings in certain areas to enable at least a preliminary assessment of the effects of induced integration in de facto segregated cities of the North.

The data we will use can be classified into two parts. The first part consists of findings from a study of Boston's METCO program for whose research design, execution, and analysis we are partly responsible (Walberg, 1969; Armor and Genova, 1970).[1] The data are more complete and, we feel, offer a more complete test of the policy model than many other studies we have seen. The METCO program buses black students of all age levels from the central city to predominately white middle-class schools in the suburbs. Approximately 1500 black students and 28 suburban communities have particpated since the program began in 1966; the study from which our data will be taken covers the period from October, 1968 to May, 1970. This study used a longitudinal design that called for achievement testing for all students and a questionnaire for the junior and senior high students in three waves: the first at the beginning of the school year in October, 1968; a second in May of 1969; and a third in May, 1970. For a variety of reasons the achievement testing was not done for the third wave. The questionnaire covered several areas, including academic performance, aspirations and self-concept, relations with and attitudes toward white students, and attitudes toward the program.

The METCO study also included a small control group consisting of siblings of the bused students matched for sex and grade level (i.e., both the bused and the control groups had approximately the same sex and age composition). While the control group was not randomly selected, we felt that it would serve as an important comparison group to help sort out the effects of the busing program from general changes going on in the black community. The fact that the siblings were drawn from the same families as the bused students means that there is an automatic control for social class and other tangible and intangible family

[1] The data summarized in the reports cited was subjected to extensive reanalysis for the present study.

factors. Also, since the high application rate usually prevented the busing program from taking more than one applicant per family, we had reason to believe that the control students would not differ substantially from the bused students along the important dimensions of ability, aspirations, and so forth. This belief is confirmed by the findings presented in the next section.

The number of junior and senior high school students participating in the METCO study are as follows: wave one, 357 bused (80% of the total population) and 112 controls (54% of the eligible population); wave two, 229 bused (51%) and 67 controls (32%); wave three, 492 bused (87%) and 232 controls (65%). Because of clerical errors in relating achievement tests to questionnaires, the questionnaire data for waves one and two are based on about 10% fewer respondents in each group. Given the low turnout rates for wave two and other factors (drop-outs, graduates, transfers from control to bused status), our panel of secondary school students with achievement data for both testing periods consists of 195 bused students and 41 control students; for the questionnaire data the panels consists of 135 bused students with data from all 3 waves and 36 control students with data from wave one and wave three.[2] In addition, achievement data for elementary grades is available for panels of 147 bused students (66% of the wave one sample) and 41 controls (44%). Given the relatively small proportion of both bused and control students in the panels, there is the chance that the panels are not representative of the full population of bused students and their matched siblings. In the comparisons we make in the next section, therefore, we shall also present data from the complete cross-sections for all waves. The bused panel does not differ significantly from the full cross-section of bused students, and the control panel differs in no way that would effect our main conclusions.[3] In addition to the data for black students, a single cross-sectional study was also done in Spring, 1969, to assess the impact of the program on white sophomores in eight of the suburban schools (Useem, 1971 and 1972). We will cite some of the findings from the Useem study whenever such comparisons seem relevant.

The second part of the data comes largely from reports on integration programs in four other Northern cities throughout the country.[4] In 1964 White Plains, New, closed down one inner city elementary school which was becoming recially imbalanced and began busing the children to other inner city schools which were predominantly white. The study we cite covers a two year period from 1964 to 1966 (White Plains Public Schools, 1967). Ann Arbor, Michigan, followed a smilar pattern; an elementary school which was racially imbalanced was closed in 1965 and the students were bused to predominantly white schools. The study covers a one year period with a three-year follow-up (Carrigan 1969). A program in Riverside, California has followed a graduated program of closing its racially imbalanced elementary schools and integrating its predominantly white schools. The program begain in 1965 and the study covers a five-year period (Purl and Dawson, 1976; Gerard and Miller, 1971). The fourth program, Project Concern, is similar to METCO. Elementary school children from two inner cities (Hartford and New Haven, Connecticut) are bused to suburban schools in surrounding towns. This program began in 1966; the studies selected cover two years for Hartford (Mahan, 1968) and one year for New Haven (Clinton, 1966).

In addition to these five major studies, we will also refer to studies of other integration programs that seem relevant at certain points. One such study is an evaluation of A Better Chance (ABC), a program which places high-ability black students in white preparatory schools in the Northeast (Perry, 1972). This evaluation research used techniques and instruments similar to those used in the METCO study, and therefore comparisons may be more valid than for some of the other studies.

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[2] Only 16 students in the control group had questionnaire data from all three waves. Of the initial sample of control students, over a third had either graduated or transferred into the busing program by the third wave.

[3] Analysis was carried out on the 240 bused students who were in both waves one and three (representing 74% of the wave one sample), and there were no important differences between these results and the results from the smaller three-wave panel.

[4] Research reports for a number of widely-discussed busing programs were not included for methodological reasons. For example, the Berkeley, California busing program has not been systematically studied.

A study of the Rochester busing program also lacked a proper pre-post design (Rochester City School District, 1970). The study had pre-test and post-test achievement scores from different tests; control groups with generally lower pre-test scores; and used analysis of covariance to make adjustments for post-test scores. Such statistical adjustments do not necessarily eliminate initial differences between the bused and control groups.

THE FINDINGS

In accordance with the policy model we have outlined, we can group our findings under five major headings: the effects of busing and integration on (1) academic achievement; (2) aspirations; (3) self-concept; (4) race relations; and (5) educational opportunities. In addition, we will examine a sixth area, program support. In each case, we shall compare bused students with the control groups to assess those changes that might be uniquely associated with the effects of induced integration.

Achievement

It is most disappointing to report that none of the studies have been able to demonstrate, conclusively, that integration has had an effect on academic achievement as measured by standardized tests. Given the results of the Coleman study and other evaluations of remedial programs (e.g., Head Start), many experts may not be surprised at this finding. To date there is no published report of any strictly educational reform which has proven to substantially effect academic achievement; school integration, programs have not proven otherwise.

The changes in reading achievement for elementary and secondary students in the METCO program are shown in Figures 1 and 2.[5] For the elementary students, the grade-equivalent gains for bused 3rd and 4th graders after one year are somewhat greater than those for the control group (.4 to .3), but this is not a statiscally significant difference. For grades 5 and 6 the situation is reversed, with the control group out-gaining the bused group (.7 to .5), but again the difference is not significant. We can see that the control group is somewhat higher initially for both grade levels, but this difference, too, is not significant.[6]

In the case of secondary students, the bused group scores somewhat higher than the control groups initially (but not significantly so).[7] Nonetheless, the gain scores present no particular pattern. While the bused junior high students increased their grade-equivalent score from 7.5 to 7.7, the control group improved from 7.4 to 7.5; the bused gain is not significantly different from that for the control group. For senior high students the effect is reversed; the control students gain more than the bused students (9 percentile points compared to 4 points), but again the gains are not statistically significant for either group.

Studies in the fifth program, Project Concern, showed mixed results. A study of the Hartford students compared bused black students who received special supportive assistance with non-bused inner city black students (Mahan, 1968). Although two separate one-year periods were covered, problems with missing data allow valid comparisons for only one full academic year (Fall, 1967 to Spring, 1968). The bused students showed higher IQ gains only in grades 2 and 3; the gains in kindergarten and grades 1, 4, and 5 were either insignificant or, in two cases, favored the control group.[8] In a study of New Haven students, second and third grade students were randomly assigned to bused and non-bused conditions and were given reading, language, and arithmetic tests in October, 1967 (when the busing began) and again in April, 1968 (Clinton, 1969).[9] Of the six comparisons possible (three tests and two grades), only two showed significant differences favoring the bused students.[10]

While none of these studies are flawless, their consistency is striking. Moreover, their results are not so different from the results of the massive cross-sectional studies. An extensive re-analysis of the Coleman data showed that even without controlling for social class factors, "naturally" integrated black sixth graders were still one and one half standard deviations behind white students

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[5] About half of the elementary students and two-thirds of the secondary students were new to the program in 1968. However, there were no differences in gain scores for the newly-bused compared to the previously-bused students.

[6] Initial differences between the newly-bused and the previously-bused revealed no particular pattern; for 3rd and 4th graders the previously-bused were higher by .15 points, but for 5th and 6th graders the newly-bused were higher by .5 points; in any event there were no statistically significant differences in gain scores.

[7] The newly-bused students were somewhat higher than the previously-bused initially for both junior and senior high students (.3 and 2.5, respectively), but the differences were not significant.

[8] The control school was a "naturally" integrated school with an increasing proportion of black students; it was scheduled to be closed down the following year.

[9] The pattern of black achievement falling further behind white achievement at later grade levels has been extensively documented (Coleman, 1966; Rosenfeld and Hilton, 1971).

[10] Even these two significant results might not have occurred if the data had been analyzed differently. The author controlled for pre-busing scores using analysis of covariance rather than analysing gain scores (see note 4). Since the author did not present pre-test means, we cannot know if the bused and control groups differed initially.

in the same schools, compared to a national gap of two standard deviations (Armor, 1972). This means that, assuming the Coleman data to be correct, the *best* integration could do would be to move the average black child from the 2nd percentile to the 7th percentile (where the average white child is at the 50th percentile). But social class differences of integrated black students in the Coleman study could easily explain a good deal of even this small gain. Other investigators have come to similar conclusions after examining a number of studies (St. John, 1970).

While there are no important gains for the METCO group in standardized achievement, there were some important differences in academic grades (see Fig. 3). Even though the bused secondary students have somewhat higher test scores than the control group, the bused group was almost a half a grade-point *behind* the control group in 1969, and the bused students dropped even further behind by 1970.[11] The average control student is able to maintain a grade average at above a B— level in the central city, while the average bused students in the suburbs is just above a C average. Although it is not shown in the Figure, from the Useem study we can estimate the average white student *academic* grade average (i.e., excluding non-academic courses—an exclusion not made for the black students) at about 2.45, or between a B— and C+ average. Again, we should not be too surprised at this if we take into account the Coleman findings. Since black students are behind white students of the same age in all parts of the country with respect to academic achievement, we should expect their grades to fall when they are taken from the competition in an all-black school to the competition in a predominantly white school. In addition, the bused students may not be adequately prepared for this competition, at least in terms of the higher standards that may be applied in the suburban schools.

Aspiration and Self-concept

In the METCO study we found that there were no increases in educational or occupational aspiration levels for bused students (see Figs. 4 and 5); on the contrary, there was a significant decline for the bused students from 74% wanting a college degree in 1968 to 60% by May, 1970. The control panel actually increased its college aspirations over the same period, but this is probably not a meaningful finding (note that the cross-sectional data show a slight decline for the control group in 1970; this means we must be cautious about our interpretation here). At the very least we can conclude that the bused students do not improve their aspirations for college. The same is true for occupational aspirations, and in this case both the bused students and the controls show a similar pattern. To some extent these changes in educational and occupational aspirations may reflect a normal decline due to aging. We should point out, however, that the aspiration levels are already very high; Coleman found that only 54% of white 12th graders in the urban North aspired to college, and 53% expected a professional or technical occupation. Therefore, even the slight decline we have found still leaves the bused students with relatively high aspirations compared to a regional norm. Moreover, when achievement is taken into account, black students actually have higher aspirations than white students at similar levels of achievement (Armor, 1967; Wilson, 1967). In other words, black students may be over-aspiring for college education In this regard it would be tempting to hypothesize that integration has a positive effect by lowering aspirations to more realistic levels. However, we shall see in a later section that the METCO students were more likely to start college than the control group.

Since the other cities in our review included only elementary students, they do not include data on regular educational or occupational aspirations.[12] But two of the studies did examine a concept closely related to aspirations "motivation for achievement." The findings of the Ann Arbor and Riverside studies corroborate the pattern of high aspirations for black children at both the pre- and post-integration period. In addition, the Ann Arbor researchers concluded that the overly high aspiration of black boys may have been lowered by the integration experience. The Riverside study, on the other hand, concluded that there were no significant changes in achievement motivation. Together with the

[11] The grade-point system used here has an A as 4 points, B as 3 points, and so on.

[12] The Ann Arbor study did include a measure of occupational aspiration, but the variation was so great (not to speak of the coding problems presented by such choices as "superman" and "fairy princess") that interpretation was difficult.

METCO study, the data suggests that the problem of aspirations for black students is not one of abnormally low aspirations on performance tasks or occupational and educational aspirations, but rather one of overly high aspirations relative to performance capabilities and to opportunities for goal attainment.

In the METCO study we also found some important differences with respect to academic self-concept (Fig. 6). The students were asked to rate how bright they were in comparison to their classmates. While there were some changes in both the bused and control groups, the really important differences are the gaps between the bused and controls at each time period. The smallest difference is 15 percentage points in 1970 (11 points for the full cross-section), with the control students having the higher academic self-concept. Again, this finding makes sense if we recall that the academic performance of the bused students falls considerably when they move from the black community to the white suburbs. With feedback in the form of grades as well as experience in classroom interaction, the bused students may simply be reflecting actual experience in rating their intellectual ability.

Both the Ann Arbor and Riverside studies made much more extensive inquiry into the realm of self-esteem of black children, although there were no directly comparable data for our academic self-concept measure. The Riverside study did report that, in a special test, minority children (black and Mexican-American) tended to choose white students more often than black students as "the [ones] with good grades." While we will not go into detail on the many other measures used in these studies, we can summarize their findings briefly as follows: 1) minority children do tend to have lower self-esteem before integration, particularly in the later elementary grades; and 2) integration does not seem to effect the self-esteem measures in any clearly consistent or significant way.

Race Relations

One of the central sociological hypotheses in the integration policy is that integration should reduce racial stereotypes, increase tolerance, and generally improve race relations. Needless to say, we were quite surprised when our data failed to verify this axiom. Our surprise was boosted substantially when we discovered that, in fact, the converse appears to be true. The data suggests that integration heightens racial identity and consciousness, enhances ideologies that promote racial segregation, and reduces opportunities for actual contact between the races.

We have several indicators from the METCO data that deal with race relations and which point to these conclusions. The indicator which speaks most directly to the 50% standard suggested by the Civil Rights Commission is the question, "If you could be in any school you wanted, how many students would be white?" Figure 7 reports the percentage which responded with 50% or fewer white students. While both the control and the bused students started out fairly close together in 1968 (47% and 51%, respectively), two school years later the bused students were 15 percentage points *more* in favor of attending non-white schools than the controls (81% compared to 66%), although the differential is not statistically significant. The changes for the controls (both the panel and the full cross-sections) indicate that the black community as a whole may be changing their attitude toward school integration, but the bused students appear to be changing at a more rapid rate. It is the kind of irony found only in social experiments that, just as white America has finally and overwhelmingly accepted the idea of shool integration (Greeley and Sheatsly, 1971), blacks who begin experiencing it may want to reject it.

That these changes reflect ideological shifts is supported by Figures 8 and 9. The bused students become much more likely to support the idea of black power than the control students, going from a difference of 11 points in 1969 to 36 points in 1970 (the question was not included in the 1968 wave). We were also able to construct a Separatist Ideology Index from a series of questions about black-white relations (two examples are, "most black people should live and work in black areas, and most whites should live and work in white areas;" "black and white persons should not intermarry"). The scores range from 0 (anti-separatist) to 4 (pro-separatist). From 1968 to 1970 the control group barely changed, increasing from 1.4 to 1.5. The bused group, however, changed from 1.4 to 1.8—a statistically significant change of about ½ a standard deviation. This is the clearest indication in our data that integration heightens black racial consciousness and solidarity.

The changes do not appear to be in ideology alone. From 1969 to 1970 the bused students reported less friendliness from whites, more free time spent with members of their own race, more incidents of prejudice, and less frequent dating with white students (Fig. 10). In other words, the longer the contact with whites, the fewer the kinds of interracial experiences that might lead to a general improvement in racial tolerance.

To what extent might these changes be a result of negative experiences with white students in the schools? We do not doubt that there has been considerable hostility shown by certain groups of white students. Nonetheless, although the evidence is not complete on this issue, what we have indicates that the white students, themselves, were negatively affected by the contact. Support for the busing program was generally high among sophomores in the eight high schools studied, especially among middle class white students in the college preparatory tracks (Useem, 1972). For example, 46% of all students were "very favorable" to METCO (only 11% were "not favorable"); 73% felt METCO should be continued; and 52% agreed that there should be more METCO students (20% disagreed and 27% were not sure). But those students who had direct classroom contact with bused black students had *less* support for the busing program than those without direct contact, even when academic and social class levels were held constant. In fact, it was the most supportive students—the middle class, high-achieving students—that seemed most adversely affected by the contract. This finding is based on cross-sectional data and does not indicate a change over time, but it is suggestive of the possibility that a general polarization has occurred for both racial groups.

The data from the Ann Arbor and Riverside studies gives mixed support to these findings, although again there were no directly comparable measures. Moreover, it is unlikely that the concept of ideology is relevant to elementary students. The Ann Arbor study included a sociometric test, whereby children could indicate how much they liked each classmate. Black students at all grade levels suffered a loss of peer status when they switched from a segregated to an integrated school, although the results were statistically significant only for second and third grade girls and fourth and fifth grade boys. That is, these groups were liked less by their new white peers than their previously all-black peers. Also, the level of acceptance was considerably lower for black students than for white students. On the other hand, the black students tended to be more positive about their white peers after integration than they were about their black peers before integration, although the changes are not statistically significant. The Riverside data more clearly supports the conclusion that integration heightens racial identity and solidarity. Using a test in which children rate pictures of faces portraying various ethnic and racial groups, they found that fewer cross-racial choices were made after integration than before integration. For example, one rating task required that the children choose the face that they would "most like for a friend." Both black and white children tended to choose their own race to a greater extent after one year of integration than before integration (Gerard and Miller, 1971). The Riverside study also concluded that these effects were stronger within increasing age.

To avoid any misinterpretation of these findings, we should caution that the measures discussed here do not necessarily indicate increased *overt* racial hostility or conflict. This may occur to some extent in many busing programs, but our impressions based on the METCO program is that overt racial incidents initiated by black or white students are infrequent. The polerization that we are describing, and that our instruments assess, is characterized by ideological solidarity and behavorial withdrawal. Our inferences pertain more to a lack of racial togetherness rather than to explicit racial confrontations or racial violence. While it is conceivable that a connection may exist between these ideological shifts and open racial conflicts, such a connection is not established by the studies reviewed.

There are two other qualifications we must place on the interpretation of this data. First, as of 1970 the *majority* of METCO and ABC students still support general integration ideology. Only 40% of the METCO students would ideally prefer schools with a majority of black students (compared to 28% of the controls); 60% of METCO students believe that "once you really get to know a white person, they can be as good a friend as anyone else" (compared to 78% of the controls); and 58% of METCO students disagree that "most black people should live and work in black areas, and most whites should live and work in white areas" (compared to 71% of the control students). The main point we are making is that the integration policy model predicts that integration would tend

to *increase* these sentiments, while the evidence shows they actually *decrease*, leaving the bused students *more* anti-integration than the non-bused students. Only further research can determine whether this trend will continue until the majority of bused students shift to a general anti-integration ideology.

Second, group averages tend to obscure important differences between individual students. While we do not deny the existence of racial tension and conflict for some students, other students and families (both black and white) have had very meaningful relationships with one another, relationships made possible only through the busing program. It is very difficult, indeed, to weigh objectivity the balance of benefit and harm for the group as a whole. The main point to be made is that a change in a group average does not necessarily reflect a change in every individual group member.

In view of the fact that most of the short-term measures do not conclusively demonstrate positive effects of busing in the area of achievement, aspirations, self-concept, and race relations, it becomes even more important to consider possible longer-term changes that may relate to eventual socio-economic parity between blacks and whites. Obviously, since no busing program has been in operation for more than seven years or so, this area has not been studied extensively. There are, however, some preliminary findings on long-term educational effects. Specifically, two studies have investigated the effects of integration on college attendance, and some tentative conclusions have emerged.

Seniors from the 1970 graduating class in the METCO program, as well as the seniors in the 1970 control group, formed samples for a follow-up telephone interview in the Spring of 1972. Approximately two-thirds of both groups were contacted, resulting in college data for 32 bused students and 16 control group students. The results of the follow-up are striking; they are summarized in Figure 11. The bused students were much more likely to start college than the control group (84% compared to 56%), but by the end of the second year the bused students resembled the control group (59% compared to 56%). In other words, the METCO program seems to have had a dramatic effect upon the impetus for college, and many more of the bused students actually started some form of higher education. But the bused drop-out rate was also substantially higher, so that towards the end of the sophomore year the bused students were not much more likely to be enrolled full-time in college than the control group.

In spite of this higher drop-out rate, the bused students were still enrolled in what are generally considered higher-quality institutions. That is, 56% of the bused students were in regular 4-year colleges (excluding 2 year schools), compared to 38% for the control group. An even greater difference was found for those enrolled in full universities (which include a graduate school). The figures are 47% and 12% for bused and control students, respectively.

Similar findings emerged from a special college follow-up study of the ABC program (Perry, 1972). A group of ABC students were matched with a control group of high-ability black students not in the ABC program. Since ABC is a highly selective program, the matching was carried out so that the ABC and control groups had very similar family background, socio-economic status, and achievement levels. Approximately 40 matched pairs were followed until their first year of college (academic year 1971–72). All of the ABC students entered college, whereas only half of the control group did so. While it is too early to assess differential drop-out rates, it is very clear from the data that even if half of the ABC students drop out of college, the quality of colleges attended by the ABC students is considerably higher than those attended by the control group.[19] Of the matched pairs attending college, two-thirds of the ABC students attend higher-quality institutions.

Neither of these studies is large enough, of course, to draw any definite conclusions. But there does seem to be some strong evidence that middle-class suburban or prep schools have an important "channeling" effect not found in black schools. The effect is probably due to better counseling and better contacts with college recruiting officers. Whatever the reason, black students attending such schools may have doors opened for them that are closed to students attending predominantly black schools. Given the lack of positive effects in other areas, these findings may have great significance for future busing programs, and further research is urgently needed.

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[19] A recent Gallup Poll reported that 46% of a national non-white sample are opposed to busing for racial balance; 43% were in favor, and 11% were undecided (August, 1971).

Program Support

Although it is not explicitly part of the integration policy model we are testing, it seems appropriate to consider the extent of program support among the students and communities involved in the various busing programs. Court decisions on busing may not take community views into account, but since the effects of busing may not be what was expected, community views about busing may gain greater significance in determining its future.

As might be expected from the changes already described, there was a general decline in the enthusiam for the METCO program over time, with the bused students showing greater changes than the control students (80% said they were "very favorable" to the program in 1968, compared to 50% by 1970). We cannot infer from this alone, however, that there is a decline in support for the program. The drop-out rate in the METCO program is almost nonexistent in spite of some of the changes we have reported. The families involved in the program appear to feel that their children will get a better education in the suburbs in spite of the inconvenience and the problems. Our data supported this; the most important reason cited by the bused students for being in the busing program was to receive "a better education". Moreover, this did not change as much as many of our other indicators from 1969 to 1970; 88% said this was a "very important" reason in 1969, and 81% indicated the same in 1970. Very few reported that "getting out of the city" or "more contact with whites" were important reasons for being in the program. In other words, the justification of the program in the black community has little to do with the contact-prejudice components of the policy model; instead, it is seen in the narrower context of educational opportunities. We do not have much systematic data from the white receiving schools other than that cited earlier (i.e., a sample of white sophomore students were generally supportive of the program in 1969). It is our impression, however, that most of the 28 communities that receive METCO students are enthusiastic about the program, and only a few communities have turned down the opportunity to participate.

The other programs reviewed receive moderate to strong support from the community and participants. In Project Concern the drop out rate was only 10%, half of which was due to the program directors' initiative in withdrawing students. After two years of urban to suburban busing, nine additional suburban towns chose to participate and over 1000 additional elementary school children were bused to suburban schools. In White Plains both black and white parents expressed more positive than negative attitudes about integration, although black parents were more favorable to the program than white parents after two years of desegregation. In Ann Arbor the black parents felt more positive toward the program after one year desegregated schooling, but the children were slightly less positive than they were prior to the integration experience. In both groups, however, support was high; only 20% of each group expressed negative attitudes toward the program.

In most cases, black parents were most supportive of the various busing programs. Like the students in our own study, black parents stressed quality education as the most important benefit of such programs, whereas white parents in receiving schools tended to stress the experience of coming into contact with other races.

We must conclude that the busing programs we have reviewed seem to have considerable support from both the black and white communities. We must point out, however, that none of the programs reviewed involves mandatory busing of white students into black communities; cities facing this situation might present a very different picture of white support. Moreover, it is unlikely that much of the black community has seen the data reported here; it may well be that a considerable amount of black support is based upon premises that have not yet been confirmed. Whether or not black support is affected by such findings remains to be seen.

The Effects of Student Background

Most of the data we have presented so far summarizes the effects of busing for all students considered as a single group. A question might be raised about whether these effects (or lack of such) are consistent for all students regardless of their background. We shall briefly indicate the major trends for students of differening background characteristics, such as sex, age level, and family social status.

No important differences were reported that might be ascribed to family variables such as socio-economic status or intact family structure (i.e., absent father). In the METCO program, students from low status families or from families without a father present differed little from high status families or families with father present.

While there were some sex and age differentials both before and after integration (with the exception of achievement test scores), there were no important differences in the relative *changes* in these groups due to integration. That is, we in METCO found that girls generally had a more difficult time adjusting to the program (reflected in lower program support, stronger separatist ideology, and less contact with white students). There seemed to be some important differences in cross-sex, cross-race relationships, with black boys having better relationships with white girls than vice-versa. This situation seems to have left some black girls with more resentful feelings over white girls "stealing their men." But the amount of inter-racial contact was small for both groups, and, more important, the *changes* in our race relations measures for bused students were about the same for both boys and girls.

A similar finding emerged for age levels. Younger students were somewhat more supportive of the program and were more positive on the various race relation measures than were older students, but the degree and direction of *change* was similar for all ages. This was true for the METCO secondary school data as well as the Riverside elementary school data.

In sum, while there were some over-all differences according to the sex and age levels of students in busing programs, the effects of busing on changes (if any) in achievement and attitudes tended to be uniform for all groups.

DISCUSSION

It seems clear from the studies of integration programs we have reviewed that four of the five major premises of the integration policy model fail to be supported by the data, at least over the one- to five-year periods covered by various reports. While this does not deny the possibility of longer-term effects, or effects on student characteristics other than those measured, it does mean that the model must be revised considerably to reflect these new findings.

The policy model predicted that achievement should improve as black students are moved from segregated schools to integrated schools. This prediction was based in part upon the classical works of Clark and others which argues that, because of segregation, black students have lower regard for themselves. It was also based in part upon re-analysis of the Coleman data which showed that black students achieve less than white students, but that black students in integrated schools achieve more than black students in segregated schools. But four of the five studies we reviewed showed no significant gains in achievement scores; the other study had mixed results. Our own analyses of the Coleman data were consistent with these findings (see Armor, 1972).

Although there were no gains in general achievement scores that we might attribute to integration, neither were there any losses for black or white students. Unfortunately we cannot say the same about academic grades of black students. The grades of the METCO secondary students in suburban schools have dropped considerably. We did not measure the bused students grades before they entered the program, but the fact that their test scores are somewhat *higher* than the control group offers substantial evidence that his difference does represent a change. Hand in hand with this change we observed a difference in academic self-concept that seems to indicate that the bused students are aware that they are experiencing more difficult competition in the suburbs. While we might expect this result if we believe the Coleman finding of black-white achievement differences, it does not mean there is no problem. It is possible that there are psychological consequences of this increased competition that may be harmful to black children. Being moved from an environment where they are above average to one in which they are average or below average may be frustrating and discouraging. It might be one of the reasons why the bused black students are less supportive of the program and more supportive of black separatism.

We treated this latter possibility by examining the relationship between support for the Black Panthers and academic grades in our 1970 sample from METCO (see Fig. 12). Consistent with our other findings, the bused students are more supportive of the Panthers than the control group. But among the bused students we find that the METCO group which has college aspirations but which

has a C average or below stands out clearly as more pro-Panthers than the other groups. In other words, the increased militancy and anti-integration sentiments among bused students may arise partly from the fact that their aspirations remain at a very high level even though their performance declines to the point where they may question their ability to compete with whites at the college level. The fact that this group is numerically a large one (about 25% of the total bused group compared to 13% for the analogous control group) may be indication of a potentially serious problem.

The policy model predicted that integration should raise black aspirations. Again, our studies reveal no evidence for such an effect. Unlike the case for achievement, however, it does not appear that aspirations are much of a problem. The black students in our busing program seem to have as high or higher aspirations as white students. If anything, these aspirations may be unrealistic for some students given their academic records in high school. The emphasis on equality of educational opportunity may be emphasizing college for many black students whose interests and abilities do not warrant it. The fact that only half of the 1970 METCO are still enrolled in four year colleges (after over 80% had started) may attest to this possibility.

The policy model predicted that race relations should improve as the result of the interracial contact provided by integration programs. In this regard the studies of integration programs do, in fact, reveal an effect of integration. But the effect is the opposite of that predicted. It appears that integration increases racial identity and solidarity over the short run and, at least in the case of black students, leads to increasing desires for separatism. These effects are observed for a variety of indicators: attitudes about integration and black power; attitudes towards whites; and contact with whites. The trends are clearest for older students, particularly the study of METCO high school students, but similar indications are present in the elementary school studies as well. It seems to be true for whites also, insofar as their support for the integration program decreases and own-race preferences increase as contact increases.

It is this set of findings that surprised us most. Although many recent studies have questioned the meaning of black-white differences in achievement and aspirations, to our knowledge there have been no research findings which have challenged contact theory. The idea that familiarity lessens contempt has been a major feature of liberal thought in the western world, and its applicability to racial prejudice has been supported for at least two decades of social science research. It still may be true that, under certain conditions, greater contact will lead to a reduction of prejudicial feelings among racial or ethnic groups. But the integration of black and white students as it is being carried out in schools today does not fulfill the conditions.

In all fairness to the Allport contact theory, it must be said that he placed many qualifications upon it. One major qualification was that the contact must be made under equal status conditions. Many behavioral scientists might assume that an integration program presumes equality of status, at least in the formal sense that all races are treated equally and have equal access to educational resources. But there is another way to look at status. Integrating black and white students does very little, in the short term, to eliminate the *socio-economic* and *academic* status differentials between black and white students that exist before integration. Therefore, we have to question whether integration programs for black and white children can ever fulfill the equal status condition until socio-economic and academic inequalities are eliminated. Allport warned that contact under the wrong conditions can reinforce stereotyped beliefs rather than reduce them; this may be occurring in our current integration programs.

What Allport did not say, but what may be implied in his equal-status condition, is that contact between two groups with strong initial prejudices may increase prejudice to the extent that stereotypes are reflected by actual group differences. For black students, initial stereotypes about white students as snobbish, superior, and straight may be partially confirmed by actual experience; the same may be true for white stereotypes of black students as non-intellectual, hostile, and having different moral standards. We might make the same observations about some of the other ethnic and religious conflicts we see in the world today, particularly the Protestant-Catholic conflict in Northern Ireland and the Israeli-Arab battles in the Middle East. It is certainly true in these cases that the amount of contact has not lessened the hostilities; it seems to have heightened them to dangerous levels in the first place.

Why has the integration policy model failed to be supported by the evidence on four out of five counts? How can a set of almost axiomatic relationships, supported by years of social science research, be so far off the mark? Part of the reason may be that the policy model has failed to take into account some of the conditions that must be placed upon contact theory; but we believe that there are other reasons having to do with inadequate research designs, on the one hand, and changing conditions in black culture on the other.

Most of the methodological procedures which have been used to developed various components of the policy model are not adequate. The single most important limitation is that they have been cross-sectional designs. That is, the studies have measured aspects of achievement or race relations at a single point in time, with causal inferences being made by comparing integrated groups with segregated groups. Such inferences are risky at best, since the cross-sectional design cannot control for self-selection factors. For example, in the Deutsch and Collins housing study, which found that integrated whites were more tolerant of blacks than segregated whites, it is possible that self-selection factors were operating which led the more tolerant white persons to choose the integrated housing project in the first place. It is fair to say that none of the studies before the ones we have reviewed had an opportunity to study the effects of large-scale integration on a realistic, over-time basis. This is the only way in which the effects of integration can be sorted out from the natural differences which exist between any two groups of persons.

The other major reason that the integration policy model fails is that race relations have changed drastically in the years since the Supreme Court decision. The most noteworthy change, of course, has been the attitudes of black people. Although the majority of blacks may still endorse the concept of integration, many younger black leaders seldom stress integration as a major goal. Black identity, black control, and black equality are seen at the real issues, and integration is important only insofar as it advances these goals. Some black leaders, albeit the more militant ones, feel that integration might actually defeat attainment of the goals by dispersing the more talented blacks throughout the white community and thereby diluting their power potential. Integration is also seen as having white paternalistic overtones and as the means whereby the white may allays his guilty conscience while ignoring reform on the really important issues.

In this context school integration programs are seen by blacks not as fulfillment of a goal of joining white society, but, on the contrary, as a means of obtaining better educational opportunities which would lead, ultimately, to a more competitive position in the occupational and economic market. Integrated schools per se are not seen as the real issue; if schools in the black community had the same quality education as those in white communities, blacks would not be so interested in busing programs. In fact, we asked students in the METCO program this question; almost 75% said they would prefer their community school if it was as good as the suburban schools. Of course, whether or not the suburban schools actually offer better education is questionable. Any improvement in facilities or teacher quality (whose ultimate importance are called into question by the Coleman report) may be counteracted, as our data shows, by lower performance and a more hostile and unfriendly student atmosphere. Black leaders who view school integration only as a means to better opportunity must take these other consequences into account.

Given this context of black attitudes, the contact with white students provided by school integration seems to enhance the ideological tendencies towards separatism. The reality of contact seems to sensitize black students to these sentiments. Our data does not offer any direct explanations for the increase in black separatism due to contact, but we can at least offer an hypothesis. The large cultural and socio-economic differences between black and white students are only noticed when they witness these differences. The difficulty of bridging the differences, coupled with the knowledge that they are viewed by whites as having lower status, leads to a rejection of white standards and relationships. They turn inward, as it were, stressing the uniqueness and value of their own cultural values, shutting off contact with whites, and embracing a stance which endorses separatism as a means toward preserving and elevating their cultural unique values. Those black students not in contact with whites may exhibit some of these tendencies due to the over-all contact with white society, but the lack of direct contact postpones the problem or avoids it altogether. This type of "contact-conflict" model may be used to explain the conflicts which occur between two very different cultural groups which come into direct contact (e.g., Catholics and

Protestants in Northern Ireland; Israelis and Arabs in the Middle East). Whether or not it is applicable on a larger scale, it would fit the data better and would provide a more realistic model for the school integration case.

It would be a mistake, of course, to view the increased racial solidarity of black students as a completely negative finding. The great differences between black and white cultures make a certain amount of culture conflict inevitable and even necessary if an integrated society is to be realized. In fact, the only reason we would not expect conflict—which always accompanies the contact of two different cultures—is if we did not believe that a distinct black culture existed which was different from white American culture. Although this belief was held at one time by a large number of social scientists, it is not popular today. It is recognized today that a black culture exists, and that it stresses values, goals, and behavioral patterns that differ considerably from those in the predominant white culture.

To this point we have said little about the one positive finding of our research, the "channeling" effect whereby black students who attend white, middle-class schools tend to get into higher quality colleges (even though they may not finish college at a higher rate than segregated black students). This finding should be heartening to those who have believed that integration does provide educational opportunities not found in inner-city black schools, although the finding must be considered a tentative one since it has been shown in only two fairly small studies. Also, the positive effects are limited to the college-bound, so that there still may be a question about the benefits of integration for the non-college-bound black student. Nonetheless, this kind of longer-term effect—and perhaps others as yet undiscovered—may turn out to provide a basis for certain types of integration plans. Just because the current policy model is inaccurate does not mean that there are no other justifications for integration. The "channeling" effect could provide a foundation for a new, revised policy model.

POLICY IMPLICATIONS

It is obvious that the findings of integration research programs have serious implications for policy. Given the massive momentum which has built up over the last few years for the school integration movement, however, it is likely that in some quarters data such as we have presented will be attacked on moral and methodological grounds and then summarily ignored. In other quarters the data may be met with rejoicing over the discovery of a club which can be used to beat back the pro-integration forces. Our own interpretations fall somewhere between these two extremes.

The most serious question is raised for mandatory busing programs. If the justification for mandatory busing is based upon a policy model such as that we have tested here, then that justification has to be called into question. The data do not support the model on most counts. There may be other justifications for school integration other than those in the integration policy model, but then the burden must fall upon those who support integration to demonstrate that it has the intended effects (with no unintended negative side-effects). It also must be demonstrated that it is at least supported by the black community.

We want to stress this last point. Decisions must be based upon feelings of the black community as well as the white community. Many liberal educators have been so intent on selling integration to reluctant white communities that they risk the danger of ignoring the opinion of the black community. While there are many sincere black leaders who favor school integration, there may be many black persons who would much prefer an up-grading of schools in their own community. The recent National Black Political Convention in Gary, Indiana (March, 1972) endorsed a condemnation of mandatory busing and school integration, arguing that such plans are racist and preserve a black minority structure. These views may not represent the entire black community, but they are indicative of the complexity and heterogenuity of black political opinion. Even those persons who currently favor integration programs may want to reconsider when they can see the kind of data we have examined here. Whether or not a white community wants integration through busing (and there are obviously many that do not), we must take into account the effects of the program on and the feelings of the group on whose behalf integration is advocated.

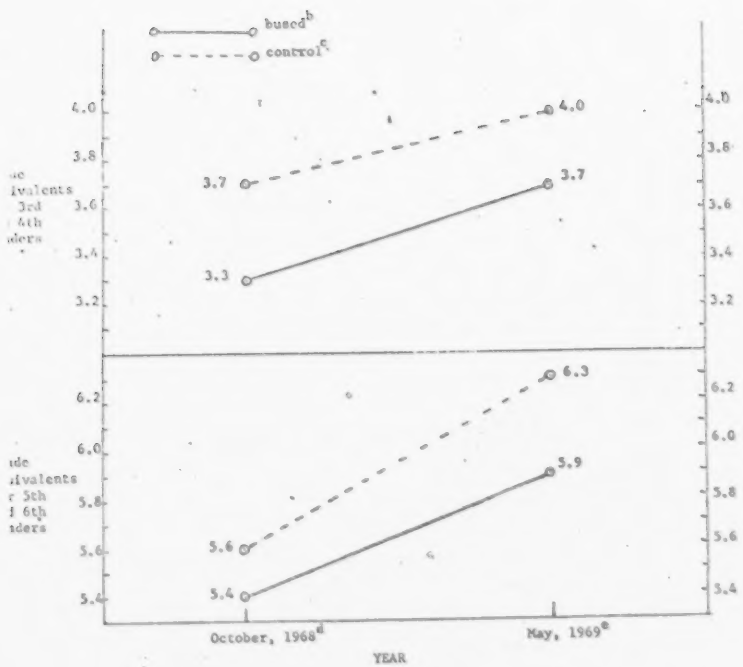
Although the data may fail to support mandatory busing as it is currently justified, these findings should not be used to stop voluntary busing programs. For one thing, we have stressed that the studies of integration so far have been

over fairly short periods (one to five years), and there are possibilities of long-term effects which are not visible until adulthood, not to speak of effects on characteristics not measured by the present research. More important, however, we have tentatively demonstrated one very important longer-term benefit of integration for the college-bound students. The "channeling" effect, if substantiated by further research, could form a substantial basis for voluntary programs whose focus is upon the college-bound black student. Even for this subgroup, of course, we have documented the trend towards separatist ideology. But the gains in educational opportunity may well outweight this consequence in the eyes of the black community, as indeed it does now in programs like METCO. In fact, some persons will view these ideological changes, as well as any conflict that may accompany it, as an inevitable consequence of contact between two different cultures. If blacks and whites are ever to live in an integrated culture, they must begin learning and accepting their differences; this cannot happen without contact. If contact engenders a certain amount of racial friction, many persons will feel it is well worth the gains in progress towards integration.

What all this means is that for black and white persons who feel strongly about integration the answer may lie in voluntary integration programs such as METCO, ABC, or Project Concern. Nothing in the data we have presented should be construed to oppose voluntary programs where both white and black come together to pursue a common belief in the value of integration. Moreover, we do not feel such programs should merely be permitted; there should be substantial federal and state support for such programs. This support can be justified not only on the grounds of implementing programs which meet local sentiments and preferences; it can be justified on scientific grounds as well. If there were no schools integration programs at all, then there would be no way to study issues that have not been settled by the present research efforts. It is especially frustrating that many programs have started a research effort only to stop it after finding a lack of positive effects (especially in the achievement area). The fear of political reprisal has prevented the long-term research which might demonstrate the efficacy of busing (such as our findings on college attendance). Only by continued social experimentation with integration programs can we establish with certainty long-term effects or effects which the policy model has ignored.

Even in voluntary integration programs, however, our data indicates that there are certain steps that should be taken which might help alleviate the problems of achievement and race relations. Wholesale integration without regard to achievement levels of white and black students can lean to potentially frustrating experiences. Some selectivity might be desirable so that both groups reflect a similar achievement capacity. Although a certain amount of racial problems might be inevitable, full education of both groups about the possibilities and causes of differences might ammeliorate the kind of polarization that would endanger the program.

In closing we want to say that although we have been critical of the connection between science and policy in the integration movemer*, we do not want to imply that their connection should be lessened. On the contrary, the real goals of science and policy are not in opposition; the dangers are that the connection may not be close enough to make sound decisions. Society can only benefit by those ties which combine the advantage of scientific knowledge with a clear awareness of its limitations.



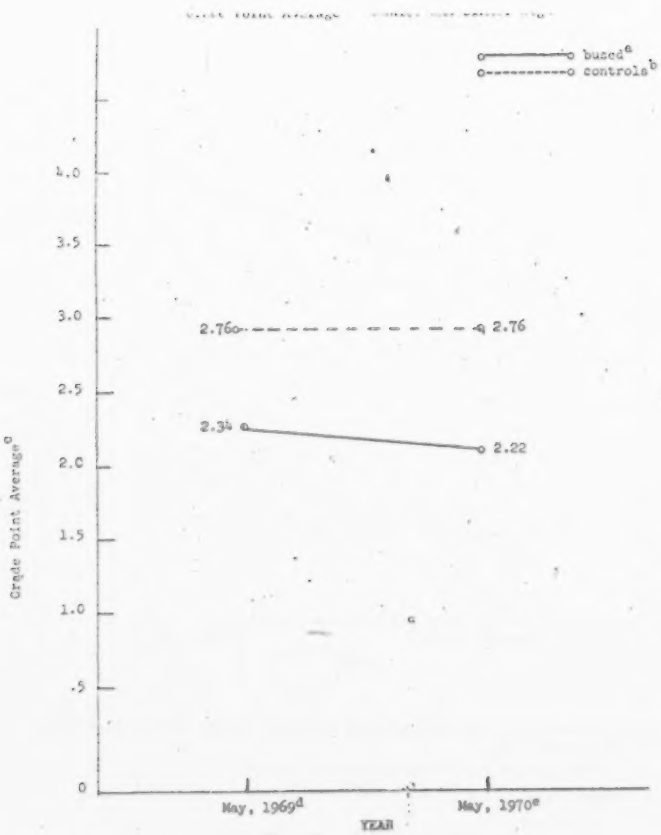
Metropolitan Achievement Tests; no statistically significant gains when bused compared to controls for either age group.

N=88 for Third-Fourth graders and 59 for Fifth-Sixth graders

N=14 for Third-Fourth graders and 27 for Fifth-Sixth graders

Full cross-sections for grades:
3-4: bused 3.4 (N=133); control 3.7(N=38) -- not significant (sd=.96)
5-6: bused 5.5 (N=90); control 5.4(N=55) -- not significant (sd=1.10)

Full cross-sections for grades:
3-4: bused 3.7 (N=111); control 3.8(N=23) -- not significant(sd=1.5)
5-6: bused 6.0 (N=74); control 5.8(N=52) -- not significant(sd=1.7)



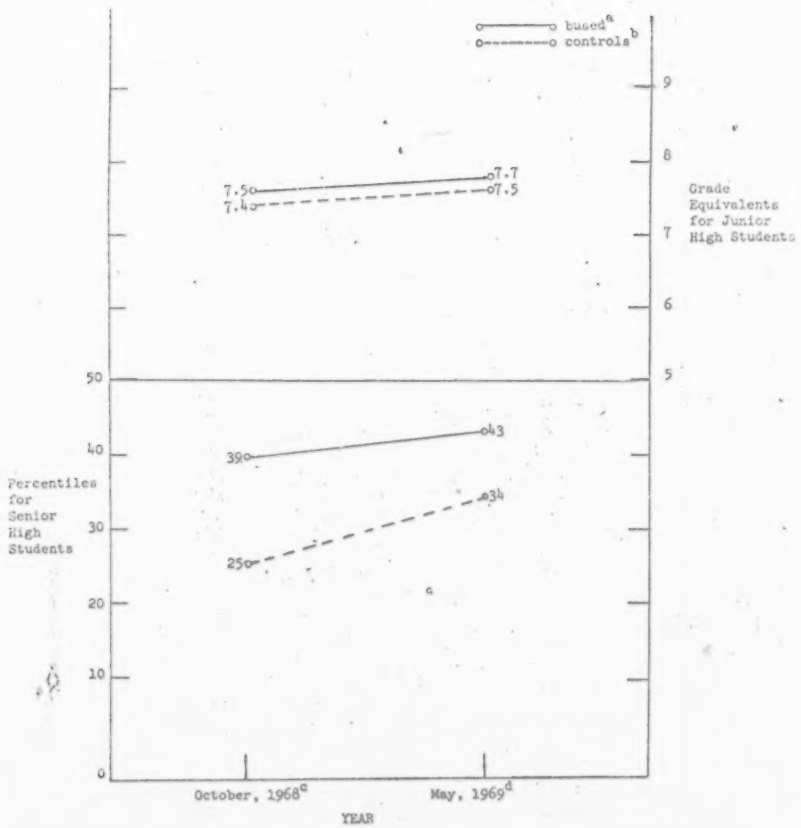
[a] N=169; statistically significant change (.01 level)

[b] N=23; no significant change

[c] Self-reported; a grade of A is 4.0, B is 3.0, etc.

[d] Full cross-section: bused 2.33 (N=210); control 2.73 (N=59)--significance at .001 le

[e] Full cross-section: bused 2.20 (N=467); control 2.59 (N=228)--significance at .001 le



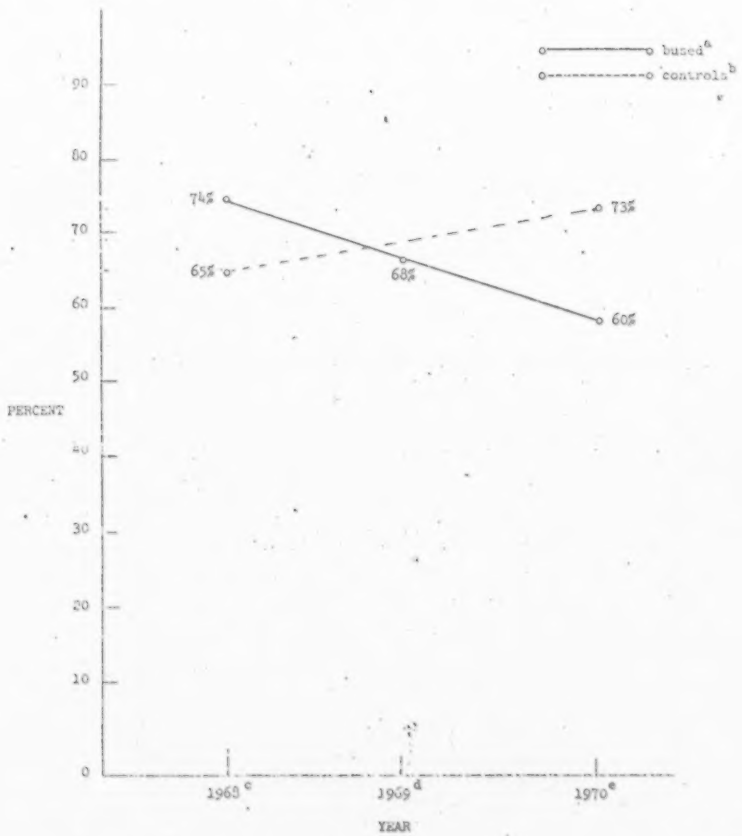
[a] N=123 for junior high and 72 for senior high (no statistically significant changes)

[b] N=27 for junior high and 14 for senior high (no statistically significant changes)

[c] Full cross-section for junior high: bused 7.5 (N=197); control 7.4 (N=74)--not significant
Full cross-section for senior high: bused 36 (N=160); control 28 (N=35)--not significant

[d] Full cross-section for junior high: bused 7.7 (N=143); control 7.3 (N=47)--not significant
Full cross-section for senior high: bused 44 (N=66); control 34 (N=20)--not significant

Percent Planning a Bachelor's Degree



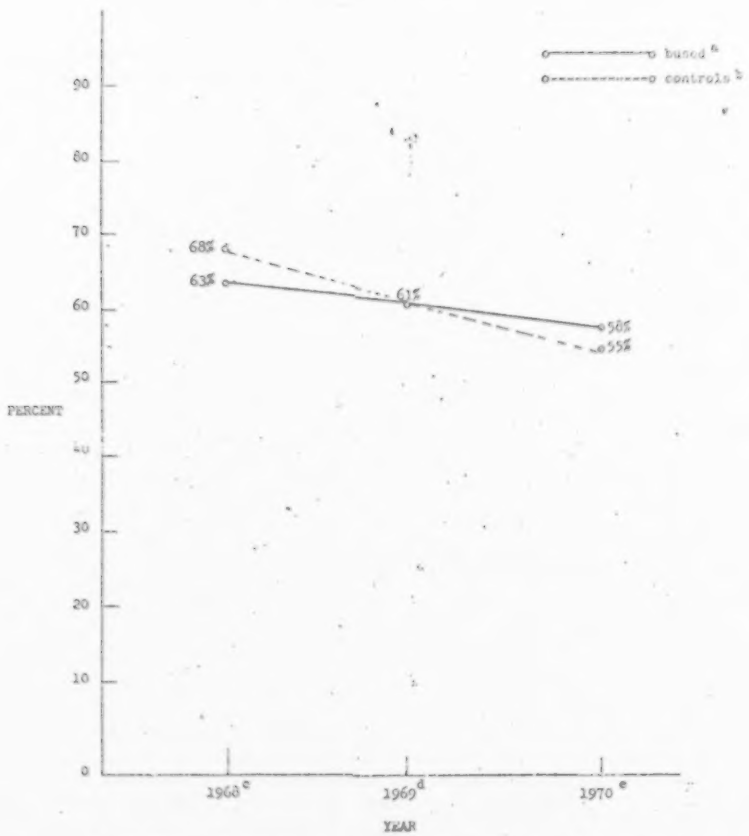
[a] N=132; bused changes significantly different from control changes (.02 level)

[b] N=34

[c] Full cross-section: bused 71% (N=323); controls 68% (N=87) -- not significant

[d] Full cross-section: bused 69% (N=211); controls 60% (N=60) -- not significant.

Percent Receiving a Professional or Technical Occupation



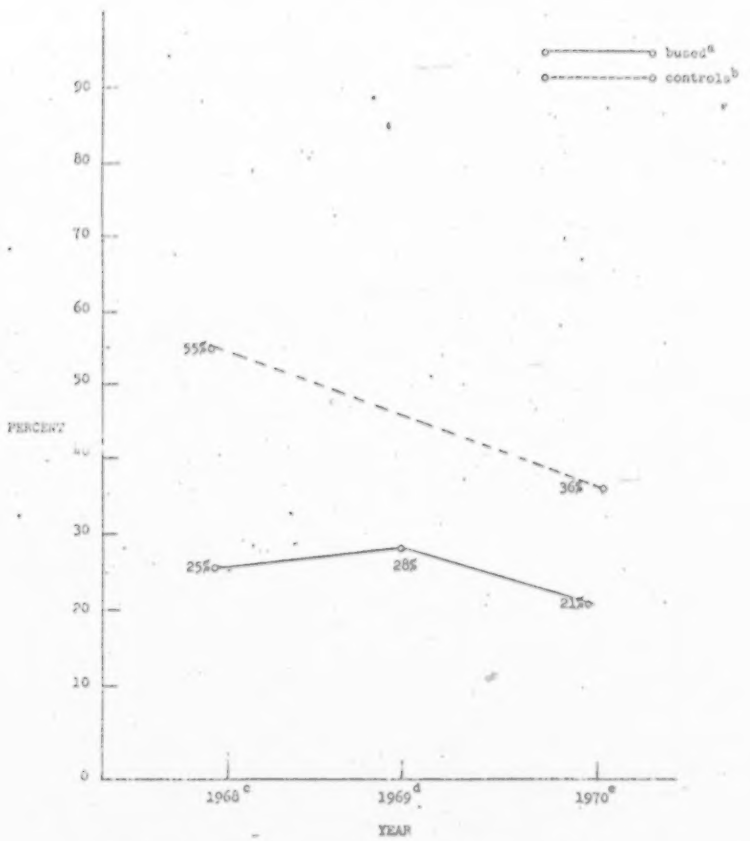
[a] N=130; bused changes not significantly different from control changes.

[b] N=31

[c] Full cross-section: bused 63% (N=311); controls 55% (N=91) -- not significant

[d] Full cross-section: bused 62% (N=203); controls 58% (N=58) -- not significant

Percent reading more [illegible]



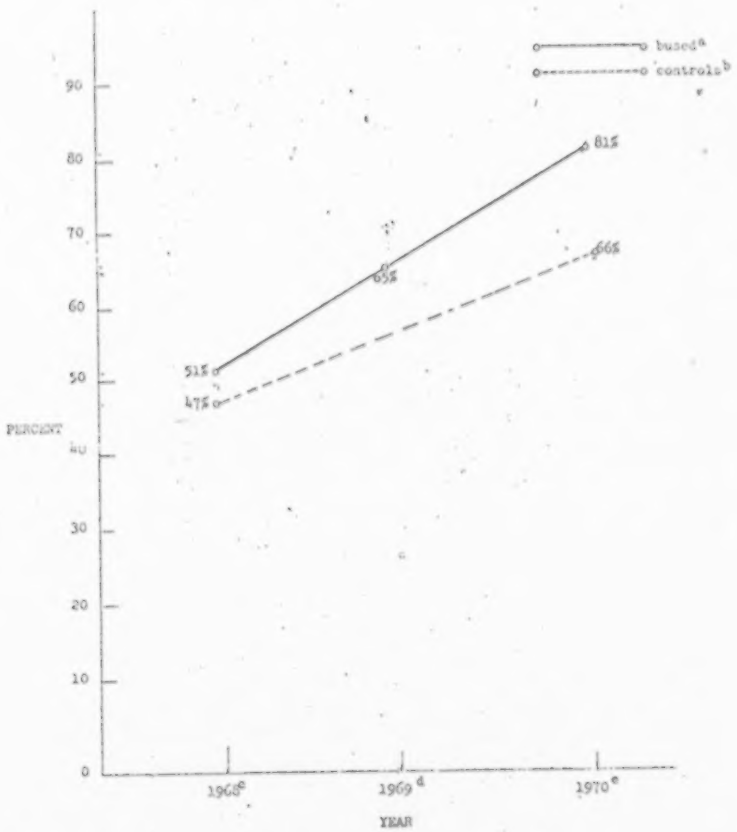
[a]N=130; bused shares not significantly different from control shares.

[b]N=33

[c]Full cross-section: bused 25% (N=320); controls 47% (N=99) -- significance under .01

[d]Full cross-section: bused 31% (N=211); controls 42% (N=60) -- not significant.

with No More than 50% White Students

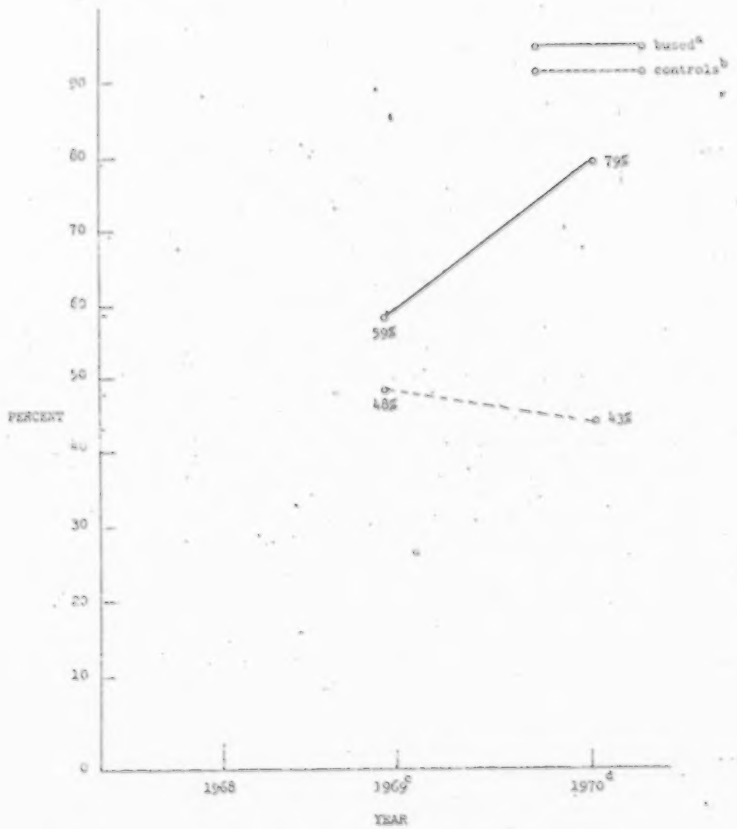


[a]N=133; bused change not significantly different from control change.

[b]N=36

[c]Full cross-section: bused 50% (N=323); controls 36% (N=97)

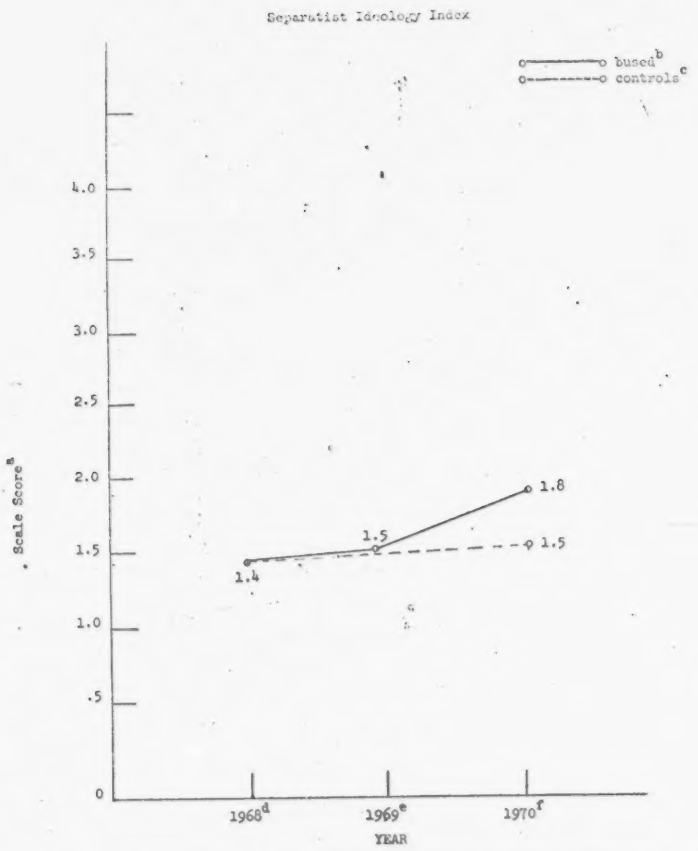
[d]Full cross-section: bused 67% (N=209); controls 59% (N=61) -- not significant



[a]N=167; bused changed significantly different from control change (.05 level).

[b]N=21

[c]Full cross-section: bused 59% (N=211); controls 52% (N=59) -- not significant



[a]A score of 4 indicates strongest separatist feelings; reliability = .76; sd = .8

[b]N = 135; bused change significantly greater than control change (under .01 level)

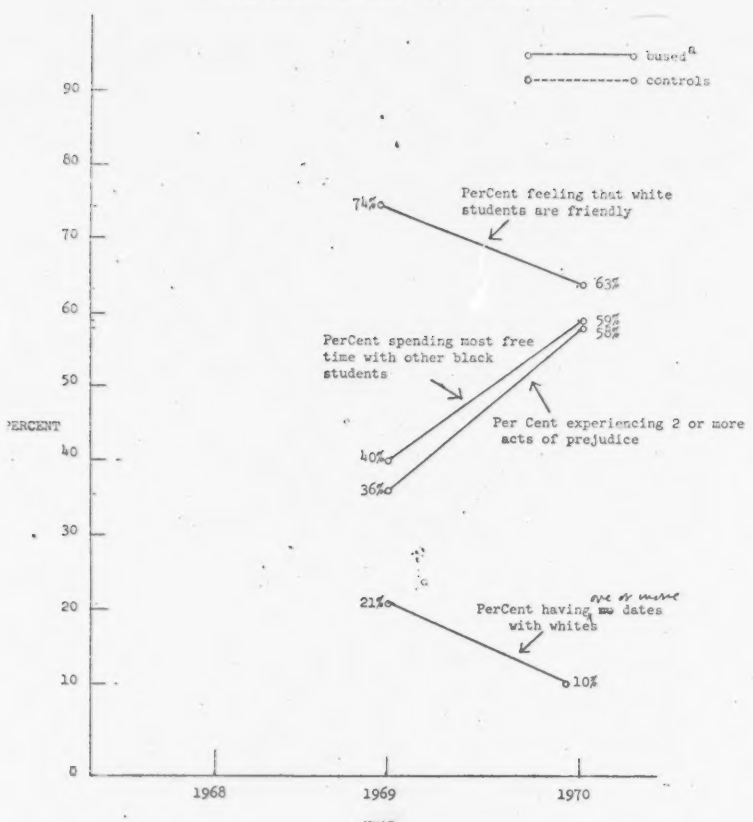
[c]N = 76

[d]Full cross-section: bused 1.4 (N=324); control 1.4 (N=97) -- not significant

[e]Full cross-section: bused 1.6 (N=215); control 1.5 (N=60) -- not significant

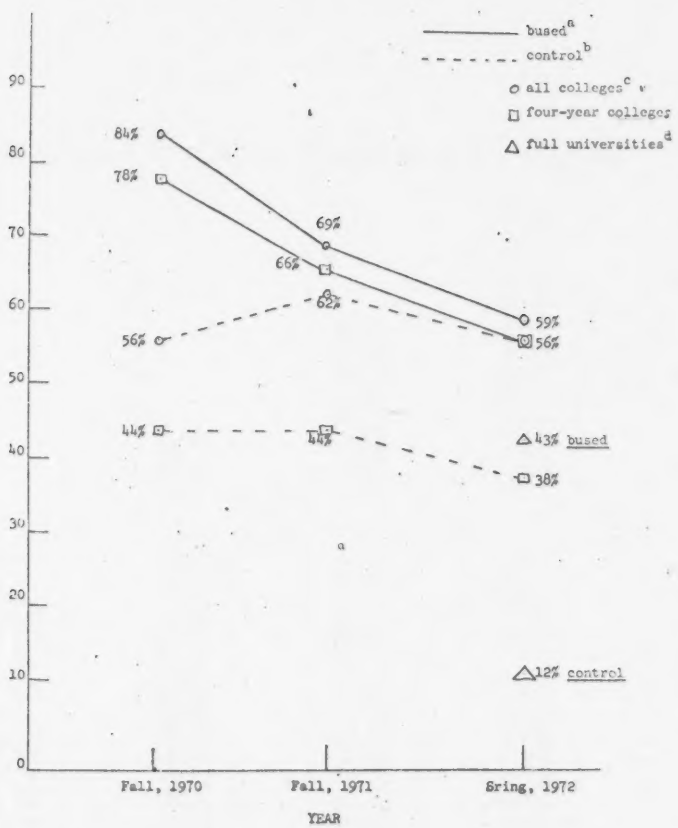
[f]Full cross-section: bused 1.8 (N=409) ; control 1.5 (N=230)-- significance under

Bused Students Relations with White Students



[a]N's range from 146 to 159; all changes significant at or under the .02 level.

Per Cent Attending College Full-time

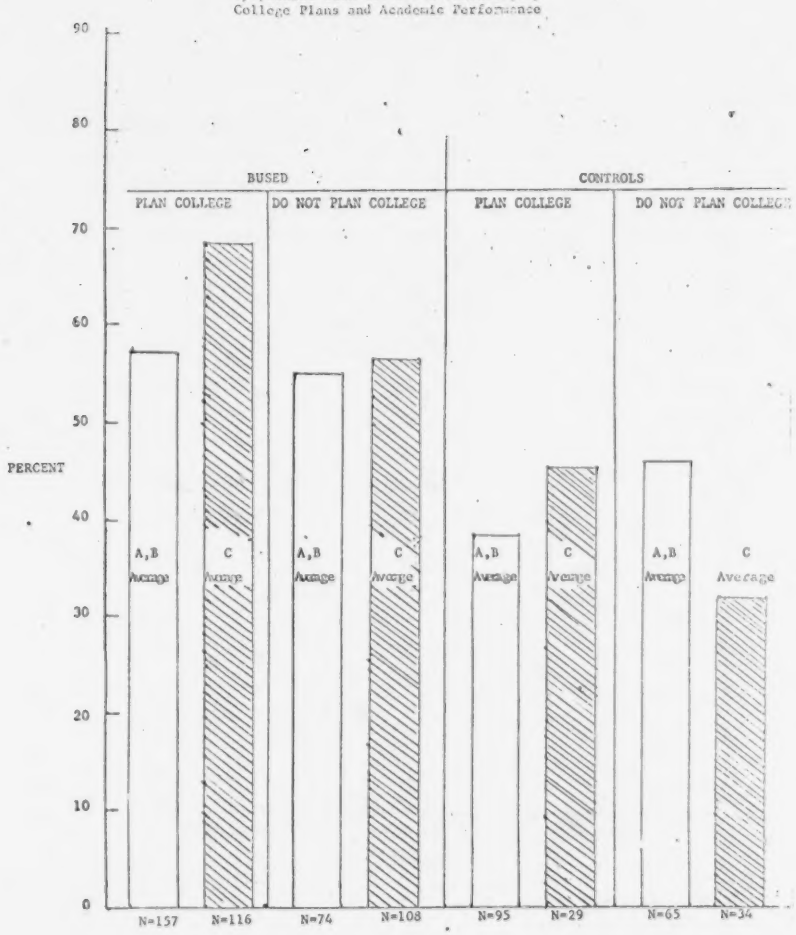


[a] N=32 for all time periods

[b] N=16 for all time periods

[c] Includes 2-year junior college; bused change significantly greater than control change (.05 level).

Percentage of Bused and Control Students Who Sympathize with the Black Panthers, By College Plans and Academic Performance



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Dr. ARMOR. My name is David Armor, professor of sociology at Harvard University.

I should mention, I think, I am here primarily as an expert in the field of education and not necessarily as representing any organization with any particular point of view set forth.

My written statement is a study entitled "The Effects of Busing." It will be published in a few weeks by a journal called "The Public Interest."

This paper does not mention these bills specifically but I think the findings of the study are relevant and I will try to summarize those findings and indicate the way I think they are relevant to the bill.

The paper reports a study of the effects of what I call induced integration, that is, induced school integration.

What I mean is programs in which an educational agency of some kind makes a decision to desegregate the schools, as distinguished from natural integration which might occur from the behavior or actions of individual families moving to some town where there is a predominance or majority of whites.

The study focused on two major assumptions, assumptions I think predominant in a lot of the educational policy developed over the past 10 years, that if minority students—when I say "minority students," I might mention it focused primarily on black students—if minority students could attend schools where there was a predominance of white students, their achievements would improve.

A second major assumption, not as predominant but I think shared by many educational experts, policymakers, is that integration of schools would improve race relations, which is a kind of overall goal I think we all have.

My study reviewed research reports in a number of cities, cities that have begun experimenting or initiating busing or other kinds of desegregation programs. The cities covered include Boston, which is a study that I was involved in as part of the research team. Boston has a voluntary program, busing black students from the inner city out to the suburbs.

The other studies in my report are studies done by other people that are available. They include White Plains, N.Y., Hartford and New Haven in a busing program called "Project Concern"; a study from Ann Arbor, Mich., of their busing program; Riverside, Calif. Those are the five cities the report focused on.

There is some more recent information that got into some footnotes. I might mention Evanston, Ill., Berkeley, Calif., and Hoke County, N.C.

The conclusions of my study fall into perhaps three major categories: One, that none of these studies could demonstrate any substan-

tial improvement in achievement of black students or minority students after integration, as compared to before integration; that is, when I say "achievement," I guess I should qualify that, that is, as measured by a standard achievement test which is the accepted measure for measuring achievement on a national basis in education.

That is, students, black and white students, start out in the first grade at different levels of achievement. What these studies found is that placing them in integrated environments did not diminish the initial differences.

As a researcher in this field, it is not common that one finds such consistency from one study to another and I think on this one issue of achievement the data is very clear.

The second finding—this one I must qualify, since this is an area not investigated by all the studies I reviewed—is that there is some evidence race relations not only don't improve but, in fact, may worsen. When I say "worsen," let me qualify that. There was some evidence that in the Boston study, in particular, that the experience of being in a predominantly white school led to increased desires to be in a segregated school or separate environment. Contact appears to decline between black and white students. This was a surprise.

It came as a complete surprise to me and I think many other researchers.

Perhaps some researchers who have been in the field are pessimistic about the effects of integration on achievement, but I think a lot of the white communities are concerned with enhancing and improving race relations and understanding between the races.

The third finding was found only in two fairly small special studies, one in Boston and one in a private program called ABC, which places talented black students in prep schools. These two studies found that the integrated students did get into better colleges than appropriate control groups that did not go to integrated schools, so there may be a channeling effect due to being in a suburban environment; perhaps because of the better relationships or contacts suburban schools have with college recruitment offices.

Mr. PUCINSKI. You mention prep schools. You didn't mention private schools.

Dr. ARMOR. Private prep schools.

Mr. PUCINSKI. Is that ABC——

Dr. ARMOR. That program places students in private prep schools.

Mr. PUCINSKI. ABC requires that students go to public high schools?

Dr. ARMOR. I am sorry. There is another program that sets up a living residence in public high schools.

Mr. PUCINSKI. That was not part of the study?

Dr. ARMOR. Right.

This third finding I interpret as a positive result of integration or busing. This, unfortunately, may only apply to certain kinds of students, that is, students oriented for college.

What I conclude about this, as far as policy is concerned, which is stated in the paper, is that the lack of educational benefits shown by these studies raises a question in my mind about a mandatory program that would require black children to leave their school and attend school in a predominantly white community.

If, in fact, achievement levels do not improve, as was assumed, then there is the problem, and I think a serious potential problem for some students, of being discouraged by being in an environment where they may not be able to compete adequately for academic awards.

I guess what I am saying is there is a possibility that integration can be harmful.

We found in Boston the academic concept for black children declined as a result of being in white schools, and their grade levels also declined.

I don't think I can say as a social scientist that this is a clear-cut issue. I think different people will have different ideas about that. It does say, given the set of findings, that it may be imperative that individual black families make the decision as to whether their children go to integrated schools. (I am speaking of the black family, since none of these programs show any harm to the white students as a result of black students being in their schools.)

There may be some question of harm to the black students and I think the question should be left to the families of black students. That is why I endorse voluntary programs which leave the decisions in the hands of the black families. In Boston, there is a lot of support for this kind of program. However, I think there may be a lot of black families who don't want to be part of such programs.

I think we lose sight of the fact there are groups in the black community, as in the white community, who don't want integration just for the sake of that goal and I think we have to recognize those feelings may exist.

I do have one other comment.

It is hard to come out with findings like this that don't tend to have a harmful impact on some of the good programs and the ones I think should not be challenged, like the METCO program in Boston and other voluntary programs, and for that reason I would like to see in some legislation, some time, not necessarily in these bills, but some kind of support for those efforts.

It won't happen automatically. A lot of these voluntary programs have funding problems and just to make it clear how I feel and perhaps how the Congress may feel, I think that there should be some kind of support for the voluntary programs.

As a social scientist, I would hope for support for research in these areas; all the research studies done so far are fairly short-term. There is also the possibility that, as we follow trends for several years in longer-term studies, we may find things turning out differently.

I think that is a summary of my paper.

Mr. QUIE (presiding). What is the reaction of your peers to your statement?

Dr. ARMOR. Well, I received a lot of letters and phone calls.

Mr. QUIE. They all suspect you are going to support Wallace for President?

Dr. ARMOR. There is that problem.

I found I was distressed mostly by the reaction in Boston where this appeared because the paper specifically endorses voluntary programs for reasons that I outlined, but the black community involved in this program viewed it as an attack upon it.

I had to say yes, there were things that couldn't happen that we wanted to happen. But the implications, I think, are more serious for other types of programs than their own.

From what I gather, from what was said in the paper, that it does not come as a surprise to some people, to some scoial scientists working in this area. I think they will be cautious and want to look at the data, but a lot of these reports have been laying around for anybody to look at for some time. I think, and I feel this myself, when you have expectations—I am a supporter of integration and I expected there would be certain benefits from it. I believed this until I did my research and found otherwise. But this kind of dilemma is involved in all of these studies, and the researchers may want to play down what they found because they think it may harm eventual goals toward integration.

But, with a few exceptions in this area—there are some who won't accept these findings—I think once people have a chance to look at the materials and the data, they are not too many other conclusions people can come to, at least in the achievement area.

Mr. QUIE. Some people don't like their biases changed. Have any come forward and said, we have studied and found levels of achievement; is there any of that?

Dr. ARMOR. I have been getting references to other studies. That is one of the things that has happened as a result of the publicity.

The Hoke County study is something that came to my attention after the study.

Mr. QUIE. What county?

Dr. ARMOR. Hoke County, N.C. It is a rural area.

Mr. QUIE. What about Sacramento?

Dr. ARMOR. That came to my attention after my study.

I have not had a chance to review that study carefully, but I think it will turn out like the studies I have looked at so far, that there are slight gains on some tests, some subtests, but over-all, the achievement differential between blacks and whites doesn't really close up.

What could be said about one part of the Sacramento data is the gap does not increase. There is some controversy about that. That is, that we know from many studies that the gap we are talking about when students start school gets larger as students go through school.

There is some evidence in the Riverside study for the Mexican-American population that that gap does not seem to increase. I can't really tell if that is why the Sacramento study shows the same thing, because there were some Mexican-Americans in that study.

My own interpretation of stopping the gap from growing is that it is a far cry from solving the problem, because the differential we are talking about is a very large one. It is big enough initially I believe, to potentially cause the kind of problems I mentioned about self-concept and the difficulty of competing.

Mr. PEYSER. Will the Chairman yield?

Mr. QUIE. Yes.

Mr. PEYSER. You made the statement that black students start at different levels.

I would like you to elaborate on that. What are you saying?

Mr. ARMOR. I guess the best example to cite caves from the Coleman study which has also received a lot of attention.

The data showed clearly that in the first grade, before schools have much effect, the ahievement differential between black and white is about one standard deviation.

Do you know what a standard deviation is?

Mr. PEYSER. No. What is it?

Mr. QUIE. It has something to do with deviates. [Laughter.]

Dr. ARMOR. One standard deviation is a statistical term which is a way to describe how far apart two distributions of scores are and I think if we translate that into percentile terms that that would mean if the white scale, the average white student, was at a 50th percentile point, to be one standard deviation apart would mean the average black child on the white scale would be at about the 16th percentile.

Does that help?

Mr. PEYSER. At least it gives the measurement but I am not sure I understand when you say starting at different levels, is there the inference that the basic intelligence level is different at that point?

Dr. ARMOR. Achievement.

The Coleman study used an achievement test. That measures the kind of skills the child brings to the school with him. Presumably, skills learned in the home, in the family, during the first 5 or 6 years.

Mr. PEYSER. This is an environment question?

Dr. ARMOR. The Coleman data does not answer where it comes from. All we know is it is there when the students start school and that that difference does not close as a result of being in different kinds of school environments, being in integrated environments.

Mr. QUIE. Subsequently, they get farther apart?

Dr. ARMOR. That is correct.

Mr. QUIE. When you can't find any substantial difference in achievement and there is also evidence that the race relations worsen, is there any difference between the early elementary grades and the senior high school, in either of those?

Dr. ARMOR. I think it is fair to say that most of the kinds of differences in race relations that I am describing to you were found for high school and junior high school populations.

I think a lot of these issues aren't raised until the students are in the later grades; ideology is not very relevant to the elementary school population. The kinds of tests used in the elementary studies are different; they are psychological tests focused on whom one chooses for friends.

There was confirmation of this tendency to choose your own race more in the Riverside study, which focused on elementary children, and in the Boston study for the junior and senior high school students.

Unfortunately, most of the studies have not focused on that issue and I guess what I have to say is the available data simply says it does not improve or bring the races more closely together. This is shown in one study of elementary students and one study of secondary students.

But I would say the achievement findings are general.

Mr. QUIE. Mr. Veysey.

Mr. VEYSEY. Thank you, Mr Chairman.

I am glad to be acquainted with you. I read an early draft copy of your statement and I want to commend you for plunging into this area which is at least emotional and controversial and I think perhaps

coming up with some answers which differed with some of the other presumptions that have gone on for a long time.

I think in your paper we have for a long time made decisions on the basis of certain assumptions and maybe those assumptions need to be looked at.

Let me ask you a specific question as to why certain other studies were not included in the group you used for analysis. As, for example, the Sacramento. I think you indicated that came to your attention recently. And probably Berkeley and probably a good many others throughout the country. Why did you pick this particular set?

Dr. ARMOR. I tried to contact all the schools that I knew of in the North. I did focus, I will say clearly, I focused on the northern situation for reasons that the de facto situation raised perhaps some different kinds of conditions. I contacted all the schools I could find, had heard or were reported to have these kinds of programs.

Unfortunately, the quality of research—not all the schools have research programs, and some of the programs, like Denver and Los Angeles, Rochester, could not be subjected to the kind of analysis I wanted to make. I demanded the studies have what we call a completely experimental design; they have to measure achievement before and after on the same test and have some control group.

We can't interpret achievement without a control group to see if the gains were due to integration.

The only two, I think, that came to my attention—well, Sacramento came to my attention after I was finished; Evanston is another program that has a good study. I tried to get that report starting in February when I was doing the work and it took me until the end of May to get the report and my publisher's deadline had already passed, so it got in as a footnote.

Now, Berkeley was one of the first programs I contacted and I was surprised to learn they had no research component or study. I don't know why that is the case, because it is the most publicized busing program. I think they tried to initiate research but couldn't get funds for it.

There is some data from Berkeley that is not of an experimental sort. I report it in a footnote which more or less confirms the overall pattern of the other studies although you have to understand it is not an experimental design.

I think, as far as the studies are concerned, Sacramento may be the only known program which had a proper study that was not included in the report.

Mr. VEYSEY. Did you have plans to restudy or include other data, a further extension of your work?

Dr. ARMOR. The journal publishing this is apparently going to open up their next issue for replies and I will have a chance to answer those comments and I will, if I am able, include some of the newer studies.

Mr. VEYSEY. I would like to refer for a moment to the Riverside, Calif., data inasmuch as that is in my district and I have some acquaintance with the people involved, Dr. Pearl and Superintendent Barry.

Since reading your paper I have gone back and looked again at some of their testimony on the project and I think I see in their testimony some of the optimistic, hopeful expectations that have not been realized.

Is that the way you read what they have to say in the Riverside project?

Dr. ARMOR. I think one sometimes has to look at the data as the main criterion. I do sense that having been disappointed by certain unexpected results, they may stress pretty hard one of their reports which shows the gap has not increased from kindergarten to grade 4, so I guess I would agree there may be some disappointment. They may feel it has not been conducted long enough or given a long enough chance to really show results, but I think there may be disagreement about that.

Mr. VEYSEY. I think at the beginning of their work they expressed optimism that they were going to show affirmative results in improved achievement and then that kind of got quieted down to the point of saying, well, the gap isn't widening, and then, well, we are not doing any harm to anybody. In stages, I think it is dropped back in that general direction. It seems to me they faced the same figures you got.

Dr. ARMOR. I think that there is no harm on the achievement side: the scores don't drop off as a result of integration; but an educator might raise questions about other kinds of harm.

We have what we call ability grouping. The schools—part of the justification for this is that students should be studying with students at a similar achievement level. That is controversial and I think it is fair to say that should be raised as a possibility.

Since we do have some policies that endorse the fact of different achievement levels, there may be some self-concept problems or discouragement and as a result of that you have to raise the possibility of harm, not on achievement but on self-concept.

Mr. VEYSEY. I would like to ask one further question.

Did you make a distinction between the achievement levels of blacks and Mexican children in the Riverside or perhaps the Sacramento study?

I was not sure what your position was there.

Dr. ARMOR. I summarized for all minority students overall.

Now, if you look carefully at that, you will find that gap doesn't get bigger for the Mexican-Americans. It is a very small number, and I hate to look at subgroups because the numbers are small. It looks to me in this one study, however, it looks to me as though the Mexican-American scores improved somewhat and black students' scores followed the increasing gap trend, so the end result was no change overall.

Mr. VEYSEY. In other words, there was a real statistical difference between the two groups?

Dr. ARMOR. There was no report of that and I couldn't really make a speculation. The pattern for the black students did follow the pattern shown elsewhere. It was the Mexican-American group that seemed to account for the gap not increasing or widening. It is a very small number of cases and we have to be cautious of that.

Mr. VEYSEY. Thank you.

Mr. QUIE. Mr. Peyser?

Mr. PEYSER. You spoke of this student grouping program or phasing, as it is known in some areas. We have had a phasing program in Westchester County for a number of years, and this bill seeks to abandon the phasing program because of the problems it created, and the questionable effects of its educational value.

The school is headed by a fellow Harvard man and I don't know if you received any reports on that particular program but I know they have very definite figures on it that are available. Certainly, the whole question of what you are raising is very interesting because of the assumption that busing improves education.

I listened with interest to your testimony this morning, and I am anxious to read your report. Hopefully, you have other copies of the report you can send us, if not, we will have copies made here.

Mr. PEYSER. I guess that is the answer to the question.

Dr. ARMOR. I am out of copies.

Mr. PEYSER. Second, you referred to the White Plains report. Are these reports available at the schools, or where? I have not——

Dr. ARMOR. That one was done some time ago; that was completed in——

Mr. PEYSER. A few years back? How did you get it?

Dr. ARMOR. I just wrote the White Plains School Board.

Mr. PEYSER. They sent you a copy?

Dr. ARMOR. Yes. It didn't have an author.

Mr. PEYSER. How long had the planning been in effect?

Dr. ARMOR. It was a 2-year study.

Mr. PEYSER. Do you feel 2 years is an adequate time to reach the conclusions you have reached in your report?

Dr. ARMOR. That is a hard question. It is one of the questions that has been raised about my interpretation. I think had all the studies been 1 year. I would have been very suspicious of the conclusion. Some of the studies have gone up to 5 years; Riverside is a 5-year trend; Evanston, Ill., is a 3-year study; Ann Arbor had a 3-year followup.

I think, actually, since we can show that achievement does change—in the earlier grades especially, it changes dramatically in 1 year, it changes in 6 months or a half year. If being in an integrated environment will change achievement, it seems to me it ought to do it in 1 year.

You could argue there is an adjustment period and even though it ought to start having its effect immediately, maybe it takes a while to adjust to the new environment, but I would think at least by the end of the first year, in a 2-year period you should be able to demonstrate some gains and certainly by the end of the 3 years and certainly by the end of 5 years.

Mr. PEYSER. Do you have any evidence relating to economic background, that shows that the black student in a strong economic situation attending an integrated school progresses faster than one from a poor economic background?

I am trying to get at the question of: Is it the poor black student coming to a white school that is not showing the rate of increase you are speaking of, or is it any black student regardless of economic background? Do you have any breakdown of the relationship between economic background and achievement?

Dr. ARMOR. That was not done for most studies but I did it for my own study in Boston. I found no difference.

Mr. PEYSER. The environment at home didn't play a factor?

Dr. ARMOR. No; the gains were not significantly different for either deprived black students or middle-class black students.

Mr. PEYSER. Thank you, Mr. Chairman.

Mr. VEYSEY (presiding). Thank you.

I want to thank you, Dr. Armor, for bringing this information to the committee, and we will probably be in touch with you often.

Dr. ARMOR. Thank you.

Mr. VEYSEY. I want to call on Mr. William R. Bryant, Jr., State representative from Lansing, Mich.

Do you have a statement for the record?

STATEMENT OF HON. WILLIAM R. BRYANT, JR., STATE REPRESENTATIVE, LANSING, MICH.

Mr. BRYANT. Yes; I have submitted a statement which I notice on the first page my secretary left out the bill numbers, H.R. 13915 and H.R. 15299.

Mr. VEYSEY. Without objection, this statement will be made a part of the record with correct bill numbers inserted, and you may wish to summarize or highlight parts of this for our attention.

(The statement follows:)

TESTIMONY OF WILLIAM R. BRYANT, JR., STATE REPRESENTATIVE, LANSING, MICH.

Mr. Chairman, thank you for the opportunity to testify. My name is William R. Bryant, Jr. I am an attorney and a Republican Representative in the Michigan House of Representatives. I serve on the Education Committee. My district includes five suburbs of Detroit, two school districts bordering on Detroit which are included in the Detroit school desegregation rulings by Judge Stephen Roth.

General

I am in favor of both H.R. 13915 and H.R. 15299 because I believe it essential that Congress set rational guidelines for use by courts in fashioning school desegregation remedies.

Almost two decades have passed since the *Brown* decisions. It is neither necessary nor appropriate that Congress allow the courts to wade through each case, without statutory guidelines, trying to render equity in desegregation cases.

I support existing Supreme Court case law. But, as you know and as the Court knows, that body of law is very incomplete and barely touches questions of "de facto" segregation, what I would term northern style segregation situations or segregation which exists wholly or principally by acts of government other than school authorities.

The Denver case will not clear up the situation, nor will the Richmond case, nor the Detroit case.

It is time for Congress to act and to set detailed guidelines for and limitations on the use of busing to achieve desegregation and for desegregation orders in general.

As a State Representative in the Michigan Legislature, I have tried to represent my constituents and the State in a positive and reasonable fashion in the face of the now issued metropolitan desegregation ruling by Federal District Court Judge Stephen J. Roth.

I opposed calling a Federal Constitutional Convention. I have not advocated a Federal Constitutional Amendment against busing except to say that if neither Congress nor the Supreme Court cleared up the confusion and set rational limits, then I would support some form of Constitutional Amendment along the lines proposed by Senator Robert Griffin.

Further, I have developed a voluntary, Detroit metropolitan school desegregation plan and submitted it some months ago to Judge Roth and the Michigan State Board of Education. A copy is attached hereto.

Further, I have introduced in the Michigan House a voluntary, racial majority-to-minority, transfer bill providing an economic incentive to accepting transfer of such students. I have also written and distributed a 57-page paper discussing Detroit school desegregation.

H.R. 13915

The guidelines and limits set out in Title II are reasonable and are not unconstitutional. Only when Congress renders remediless a right guaranteed by the U.S. Constitutional does its power to restrict court remedies fall as unconstitutional. That point of unconstitutionality is not reached in H.R. 13915.

First, allow me to indicate what I believe is the most important aspect of the bill. Then I will suggest some modifications to it.

The bill covers a multitude of points which must be considered in any bill on the subject. Each section treats an important point which must be treated. Whatever this sub-committee or your full committee does, it should not fail to treat each point inherent in each section of H.R. 13915.

Changes to H.R. 13915

I would recommend changes to the bill in Sec. 403(a) to provide that, as in the case of grades 7–12, a busing plan could exceed the guidelines if there is "clear and convincing evidence" there is no other "adequate remedy." I favor this additional burden of proof over any specific limit.

I suggest Sec. 406 be deleted if politically practicable unless the number or orders is small enough to be manageable, or else that a specific procedure be provided whereby such plans and court orders could be reopened and modified.

While I see in Sec. 407 and Sec. 408 the valid intent that an entity under court order have the happy knowledge if it is a good boy, the order will terminate, the Sections are difficult philosophically. I suggest instead either or both of the following:

Provide a procedure by which, prior to or during trial, if the court is convinced of the good faith of the defendants, the court could order a 90-day stay extendable to one year wherein the defendants would be given the opportunity to change voluntarily, and whereby if the court finds such voluntary action acceptable it would dismiss the case.

The other idea, and I believe one by which Congress could have real beneficial impact, would be to provide federal aid, per pupil, of a flat or formula amount, for voluntary acceptance of a student from a school district where his race is in the majority into one where his race is in the minority. This should be with consent of the parent or guardian, the receiving district and, in order to avoid suburbs taking all the good, black students, with the consent of the sending district. This grant should be in addition to any transportation funds and should be high enough to provide real incentive. For example, it could be 150% of per-pupil-expenditure. It, further, could be a state match program, starting, however, with at least a 75% federal share.

H.R. 15299

I am pleased to see that H.R. 15299 does remove the automatic dissolution of orders after five and ten years. I further agree that Title I of H.R. 13915 is a separate but related question and need not be treated in the same bill at Title II.

As I said above, however, it seems better to require simply a greater burden of proof for an increased level of busing rather than to restrict transfer to the first or second closest appropriate school. If this bill were amended to allow transfer farther than to the second closest school on "clear and convincing evidence" that it is necessary in order to provide an "adequate remedy," then I think this would improve the bill in that regard.

Conclusion

The equally sacred rights of Liberty and Equality meet head-on in the busing issue. It is the fault of all of us such an issue exists. It is, however, the fault of Congress there are not guidelines with which to find our way out of the mess.

Children are not tools, nor are some to be considered a valuable resource for social betterment of disadvantaged children. Equality and Liberty must be balanced. Neither can exist totally. The balancing is up to the Supreme Court, but *with*, not *without*, your guidance.

Thank you for this opportunity to present my views.

14 Point Proposal

1. Detroit has attendance zones which tend to accent rather than alleviate existing segregation produced by housing patterns. These zones must be redesigned to aid desegregation within Detroit. The State must provide transportation

monies to make these new zones work effectively. Busing should be implemented within the zones to aid desegregation within Detroit.

2. Detroit has started a magnet school plan to create various specialized high schools. Such expertise and attendance based on recognition of such expertise cannot and has not taken place overnight. The plan should be improved and pursued, however. It is educationally and legally sound as one component of a total plan.

3. Again and again, one is forced back to the recognition that beyond the impacts, whatever they may be, of racial isolation in inner city schools, better education is possible, we are not innovating, we are not training teachers to educate these children, and educators are not doing all possible to give these kids quality education. Part is financing and we are in the middle of that muddle, but part is also the educational system itself.

So a mandatory ingredient of any plan must be absolute dedication to implementation of the best programs available to educate all, and especially black, low socio-economic level students.

As a part of this, Detroit should expand its promising program of new, more experimental junior high schools. Such schools have succeeded in drawing to themselves an integrated student body. It is living proof that if one provides excellence it will be recognized and sought out by students and parents.

4. Detroit must use positive (a) open enrollment, (allowing any switch of schools that decreases segregation), (b) pairing of schools (pairing, for instance, two grade schools so each has all the children for half the grades), and (c) closing of old, segregated grade schools, all of which are valid means of intradistrict desegregation, where these means are appropriate.

5. On the larger scale Detroit should establish centers serving a number of high school zones, which centers could be focal points for special aids such as remedial reading and other intensive compensatory programs, as well as school-community programs and adult education. These should be located to serve an integrated student, adult and community population.

6. Many schools in Detroit are over 50 years old. Many of the schools are drab and dreary and expensive or impossible to maintain. A building program is a must for Detroit and also provides another tool for both desegregation and increased quality of education. By placement and design of new buildings Detroit will be able to help desegregation and make available new buildings designed to facilitate the uses of advanced instruction methods and to install the up-to-date gadgetry of modern education.

7. Lastly, as pertains to Detroit itself, the critical need for new buildings provides the further possibility of taking a giant step and creating large education complexes or education parks, bringing together into one campus grade, junior and senior highs in a manner which will make maximum use of facilities and specialized personnel and which schools will draw from a large multi-racial area within Detroit. The education park concept has been talked about more than used, but for instance such a complex adjacent to and working in close cooperation with Wayne State University or the University of Detroit would be of great educational benefit. Such a concept, as well as others mentioned, must also work in cooperation with private schools.

Metropolitan aspects

8. Each metropolitan district would be requested to join what may be termed a "Super Magnet" coalition of schools, whereby districts in return for the right of their students to attend a speciality high school in another district would establish their own specialization and open a percentage or certain number of slots for students from other districts, with priority given to students whose presence decreases segregation in the receiving school. A Grosse Pointe student might attend Detroit performing arts high school and a Detroit student attend a Grosse Pointe high school with a sciences specialty or an Inkster student go to Dearborn for a business specialty and Dearborn to Highland Park for an automotive mechanics specialty.

Participation by district and student would be voluntary. The state could equalize any cost variation between sending and receiving district and could even provide economic incentive to receiving districts.

9. Establish area vocational education centers in outer-city Detroit, serving Detroit and enclave and suburban districts in a geographic area designed to draw an integrated student body. Again, if special schools offer quality vocational curricula, high school students won't care one bit what the racial mix is. Such a center exists outside Flint and can easily be done here.

10. The state has now adopted a mandatory special education concept, giving equal educational rights to physically and mentally handicapped young people. Special education centers should be established to serve various metropolitan areas with the best of professional assistance efficiently centralized in regional centers.

11. Aside from Super Magnet exchanges of high school students seeking a specialty school, all districts should be encouraged to voluntarily open their doors to any student in any grade who would increase the racial mix at the receiving school. Again the state could encourage such receipt by making it economically advantageous.

As a part of such open policy we should particularly encourage receipt by that district which includes the premises on which a parent of the student is employed. This could ease transportation and the employment provides a logical tie of the family to the district receiving the student. The student would also be close by in case of illness or emergency.

12. High schools, and perhaps junior highs, would agree with another district to exchange students voluntarily one day per week for study of social studies, history and related subjects for which there is particular educational reason for such education to take place in a realistic, integrated social setting, thereby aiding both black and white by such setting and by the variety of input which would flow from the mix in student background and life experience. Grades could be alternated so each student would be in the exchange two years out of the grades 9–12.

13. Lower grades should be encouraged to adopt exchange programs of more limited nature, for example a day a month or a week a semester. Such exchange again would be voluntary and on parental approval. It would at least provide a stimulating integrated experience for young students and serve as a valuable early reminder that there is someone out there in the world who is nice and smarter than they and can run faster and looks different. Not a bad lesson for any age.

14. Finally, all area schools should be encouraged to pair up with a school in another district (grade school with grade school, junior with junior and senior with senior) with the pair adopting whatever programs they may choose. For example, paired high schools might install a tutoring exchange program, adopt a common community project, open enrollment totally between the two schools or combine basketball teams and challenge another pair of schools. The possibilities are unlimited for physical exchange of students, cooperative programs, social events, you name it.

To aid this pairing, especially, by suggesting programs and encouraging innovation; but also very importantly to assist, encourage and give some cohesiveness to all metropolitan programs there would be created an advisory council consisting of school board representatives from all participating schools. As a thought, I would call the group the METCO Council, for Metropolitan Cooperation Council.

SYNOPSIS OF 14 POINT PROPOSAL

1. Change Detroit attendance zones with State assistance for transportation assistance.
2. Detroit magnet high schools.
3. Innovative, new Detroit junior high schools.
4. Detroit priority open enrollment, pairing and closing of schools.
5. Detroit special aids and community centers.
6. Detroit school building program.
7. Detroit education park in conjunction with universities.
8. Super magnet system of specialty high schools.
9. Area vocational education centers.
10. Area special education centers.
11. Metropolitan voluntary priority open enrollment with State monetary encouragment.
12. Social studies exchange programs at high school and junior high level.
13. Grade school cultural enrichment exchange programs.
14. Voluntary school pairing with comprehensive cooperative programs. Creation of advisory METCO Council.

Mr. BRYANT. I am on the education committee in the Michigan House of Representatives, and my district has two school districts

which border on the municipality of Detroit and which would be concerned if there is a desegration order in the Detroit area.

I have tried to take what I believe to be a moderate approach to the whole thing, and attached to my statement submitted to you is a 14-point plan for voluntary desegregation which I submitted to the Michigan State board of education and Judge Roth.

I do have some comments I would like to make.

First, it seems that 18 years after the *Brown* decision it is time for the Congress to help the courts in this very large-scale problem which I think is inappropriate for Congress to leave wholly in the hands of the courts.

Aside from the question of trying to limit courts, I think it is the prerogative of Congress and is appropriate for Congress to aid the courts in finding guidelines for remedies for school desegregation.

I hope this subcommittee will take action on one of these three bills and will report it to the full committee again. I know there is no likelihood that will be done this week but when you come back in July I hope it will be done at that time.

I think the mood of the people, not only in Michigan but throughout the country, is such that it is important that they know their elected officials in Washingon are not only voicing concern but are taking action.

I think also Congress has an opportunity which it should not and maybe dare not miss because I think where we are at in the busing situation is a kind of social brinkmanship situation where the threat of busing—I have seen it in the Detroit area—has made people reexamine their consciences and their positions on such things as open housing, and, short of a massive force busing order, I think they are prepared at this point to accept some more moderate means which could be helpful for a long-range goal for integration.

I think Congress could take advantage of that situation at the time it does something about busing.

I think placing limits on the use of busing will increase the pressures for other remedies to be found and better answers to be found.

I agree that, as concerns H.R. 13915, that there is not much purpose in leaving in title I. If you are not talking about new money and about a controversial program without new money, it makes little sense to leave that part in. I won't speak to that.

Second, the gentleman from the AFL–CIO testified first and testified against the bills.

The gentleman who just testified is an expert and I do not really disagree with him, but I am testifying in favor of these bills and I still do not think we disagree.

I think three points of major agreement are that there is not much sense in very large-scale massive busing arrangements. Second, that busing has to be available to some limited degree for de jure situations where no other remedy is adequate or available.

Third, I will say it, and the other two did: Congress should provide an incentive, economic incentive, to voluntary programs.

In my statement, I indicate that what I would like to see Congress do is to say to a district, to all districts in the country, that if they will accept on approval of the sending districts, a parent or guardian and the receiving district, that they will get money from the Federal

Government for having received that student, the situation in Grosse Point where I come from, which is about a 98 percent white school system and Detroit, that Grosse Point could take students, not taking the cream of the black or nonwhite students, but taking those students Detroit also agreed could be taken and would be paid money, and similarly I think there are a number of students in Grosse Point that would like to go to the technical high schools of Detroit. I think that should be done.

Detroit is about 65 percent black and they need what students they can get on a voluntary basis.

In listening to the testimony by the gentleman from the AFL–CIO, the only thing, at least after the automatic termination, 5- and 10-year termination dates for orders involving busing and general desegregation orders and taking out any reference to the moratorium proposals and reference to compensatory education aspect, the only thing he really disagreed with was the relatively absolute prohibition in grade school transfers.

I suggest in my paper also that I think it is perhaps enough to say only that there can be such further orders but it has to be on clear and convincing evidence there is no other adequate remedy available.

I think with that language added their objection would disappear or be quite minimal.

I hope in considering these bills you will consider each of the sections as being important because I really was quite impressed with this bill proposed by the administration because each of the sections does treat what is a relatively important problem.

The section which would be most important to the Detroit case, in particular, in 13915 would be section 404 which would say that when a State divides its territory into school districts that you can't ignore those lines or alter them unless it is shown they were drawn with a purpose and had the effect of segregation.

With that, I think my dear friend, Judge Roth, would be stopped. I don't think he would disagree with this characterization of what he is doing. He is taking an absolutist view of what de jure segregation is. If he can find any de jure action and is responsible for even 1 percent or a tenth of 1 percent of the segregation that he finds, that then the whole situation is a de jure situation.

I don't think that is really what the law is intended to be and I just expect it is not what the law will be.

I would also urge on you that those who say that bills such as those that are proposed are unconstitutional because they deny the court remedies, that the only time that Congress would be so limited is that if it rendered total remedy lists of violations of constitutional rights.

What we have is a delicate balance of liberty and equality and a very personal situation so obviously it is difficult but the courts need guidance and I hope and trust that you will provide some guidance, more than has been done.

Mr. VEYSEY. Thank you, Representative Bryant, for your testimony here today.

I certainly see it in much the same light that you do, that many of the implications we face today, including those you mention in your own area, stem from the fact Congress has failed to make it clear what the law should be and, I think, tended to wait for court decisions which

have not clarified it and I think, as you point out, probably won't for at least sometime in the future.

I appreciate very much your testimony here today.

Mr. PEYSER. I thank you for coming here.

Due to the quorum call, I have no further questions at this point.

Mr. VEYSEY. I think I should explain we have a slight complication.

I guess we devoted a considerable amount of time to your earlier witnesses and now find ourselves in a situation that does not give us a full amount of time for asking questions because of a call from the floor.

Let me again express my thanks for your coming here.

Mr. BRYANT. Thank you.

Mr. VEYSEY. We wanted also to hear from Dr. Dana Williams, superintendent of the Corpus Christi Independent School District.

Dr. Williams, our time situation is such that we will have to shortly go to the floor to answer this quorum call. I feel badly about this because I know you have come a long way and have good information for us.

Would you like to do what you can on that at this time and then we will have to go to the floor, and perhaps we will be able to reassemble, depending on the events there.

STATEMENT OF DR. DANA WILLIAMS, SUPERINTENDENT, CORPUS CHRISTI, TEXAS INDEPENDENT SCHOOL DISTRICT

Dr. WILLIAMS. I am at your disposal and, if you have 5 minutes, 10 minutes, or 3 minutes, or if you want me to come back if you are going to reassemble, I will follow your suggestions.

Mr. VEYSEY. I think we are safe in saying we have 10 minutes before we have to leave.

Would you like to proceed on that basis at this time, and then we will see what the chances are of us being able to reassemble later today or put you on in another hearing of the committee?

Dr. WILLIAMS. That is up to the committee.

Mr. VEYSEY. That is the best we can do.

You do have a rather complete statement and, without objection, that will become part of the record of the hearing. If you would like to take about 10 minutes to elaborate on it, please proceed.

Dr. WILLIAMS. Let me try to do that and I will try to give you back a few minutes of the time.

I would like to introduce the president of our board, Dr. James Albright, a practicing physician, and Dr. Wallace Davis, assistant superintendent for instruction. He has written most of the documentary materials we submitted to you.

We also submitted a study on "Equality of Educational Opportunity," which we gave to Mr. Jennings. I would not ask that you put it into the record; it is voluminous, but it would be for the committee's use. Let me just say that we filed the document. We are delighted to have the opportunity to do so.

I think it is commendable and heartening that this committee is showing a sincere desire to replace the verbal commitment this country has made to equal education by trying to make some viable solutions to the problem before us, and I want to commend you for it.

I also want to say to you that we in Corpus Christi, Tex., support integration. We believe, however, in natural integration and I want an opportunity for just a minute to tell you a little about our problem in order that you may come to know why we support these bills today.

We believe that our schools have made outstanding educational progress through the years. We do know that we have been deterred, delayed, and distracted from our efforts to provide quality education for our youngsters in an effort to meet the needs and calls of the courts and respond to a disturbed community. We found our community polarized and our educational opportunities disturbed.

I will not spend any time on the educational progress in our system because it is one we are proud of and we wish we had time to tell you more about it.

Mr. PEYSER. You say the educational progress in your community? Are these within integrated schools?

Dr. WILLIAMS. Let me tell you briefly about our schools.

We are a community of a little over 200,000, about 48,000 youngsters. When *Brown* decision came into being, we operated a dual system with about 5 percent black and 95 percent white, white being all others except black. We never heard of the issue before us until 1967 when somebody challenged the fact so-called Spanish-surnamed students might not be white.

We had a suit filed against us, paid for by the AFL–CIO and the AFL–CIO did not send the message down that social mixing was not the aim of the AFL–CIO. We dealt only with black and white. The AFL–CIO insisted on ethnic mixing.

Our Federal court order would move some 15,000 students in a school system located around the bay and one that had never had busing. We had transported students from outlying areas only before the suit was filed against the Corpus Christi Independent School District.

We do have a high percentage of Spanish-surnamed students. The Federal court found us guilty of de facto and de jure without placing a witness on the stand who testified that we impugned the right of anyone to go to any school if they so desired.

What we want to say to you is we think this matter can be solved and is being solved in Corpus Christi.

I will not take up any time by trying to quote statistics, but I would love to show you the problem.

I say on page 29: It is apparent that such natural integration of student populations is being accomplished in Corpus Christi. In 1954, 26 of our then 39 schools had more than 10 percent of so-called minority students, that is, Negro and Mexican-American.

By 1968, 47 of our then 60 schools had more than 10 percent minority students. In 1971, 40 of the district's 60 schools had 30 percent or more of minority students and seven others had between 20 and 30 percent. Clearly, this integration process is occurring more rapidly in our community than many have imagined.

Our position is trying to determine whether an ethnic group is entitled to all the rights of the *Brown* decision, so we are up in the courts.

We come to say, as some of the gentlemen have already said here, that, in our opinion, Mr. Chairman, and members of the committee, the

time has come, because of the failure of the courts to solve this problem, that they have not been able to develop guidelines—according to your document, that we believe it is high time that the Congress, men like you, coming from the various communities, with the powers granted to you, specify appropriate remedies for the problems we now face.

We are for the stopping of senseless busing of students from various communities.

We lost our case based on the Coleman studies and the affirmative views of the Riverside studies which now have been proven false. If we had had more recent studies, we would have been in the position of giving greater support to the point of view we take.

I simply want to say, and I will close, we are committed to compensatory education.

I would like you to follow the President's recommendations by taking the $1.5 million in title I to be used by the Secretary in a different sort of way and take the $1 billion in the bill you passed last week to support youngsters with special educational needs and give us the opportunity to provide them an educational opportunity that is equal across this country. It is a matter of dollars.

When there is social upward mobility, we have less problems. The middle-class Mexican-Americans are achieving the same as the whites; the black middle-class person is achieving at the same level. It is a matter of economics in our communities.

We have a lot of poor people.

I studied these bills; I made copious notes and I would discuss them if I had time.

But I ask you to push through some legislation that will cause you, the Congress, to say what should be done to remedy the situation of duel school systems and remedy the situation as far as ethnic situations are concerned and help us get the moneys to meet the needs of our young people by appropriating funds for compensatory education.

Mr. VEYSEY. Thank you for your message to us in such a short period of time.

We will make this study a part of the files of the committee for reference. If you would care to submit a further memorandum on any point you would like to cover, recommendations to the committee, we would appreciate receiving your comments.

(The full statement follows:)

STATEMENT OF DR. DANA WILLIAMS, SUPERINTENDENT OF THE CORPUS CHRISTI INDEPENDENT SCHOOL DISTRICT

Mr. Chairman and honorable members of the committee, my name is Dana Williams. I am Superintendent of Schools for the Corpus Christi Independent School District in Corpus Christi, Texas. As our school district is one of the seven largest districts in the State of Texas, it is experiencing most of the problems experienced by the other urban school districts in the nation.

I would like to express my appreciation to the Committee for its kind invitation to appear in reference to an issue of the greatest importance to the citizens of Corpus Christi, as well as to the citizens of every part of this nation: namely, providing true equality of equal educational opportunity.

ROLE OF AMERICAN EDUCATION

A continuing role of our American educational system is to provide our youth with the opportunity to participate in the affairs of society. However, participation alone is not enough. Such participation must be productive in the sense that this society sees the individual's effort as resulting in a valued product; influential in the sense that his participation is viewed as having some influence on outcomes; and rewarding to the individual both materially and psychologically. Verbal commitment to such a role, however, will not of itself guarantee that each of our youth can attain the worthy goal of equality of educational opportunity. It is generally accepted that most Americans support the concept of equality of educational opportunity. Although there are some who no doubt oppose the upward social mobility of various segments of society, the vast majority in Corpus Christi and elsewhere find little sympathy with such thinking. To accept the philosophy of static social classes is to reject the American dream. Even more meaningful, it is to accept personal stratification, a thought repugnant to both that segment of the society with memories of the great depression and the younger segment whose actions are so dominated by social morality.

CONCERN FOR QUALITY EDUCATION

It is therefore both commendable and heartening that this Committee through these hearings is expressing its desire to replace the verbal commitment of equality of educational opportunity with a more visible one. I sympathize with the many problems that face the Committee as you attempt to hear the many diverse expressions of interest by various groups and as you develop courses of action which can result in achieving a concept that is neither clearly defined nor well understood. I am aware that many who have appeared before this Committee have presented pertinent research to assist you in determining your course. To save the Committee's time, I am filing as an appendices a review of much of the relevant resarch currently available. This review was compiled by our school district in its efforts to determine a definition of equal educational opportunity which would be acceptable to our community. Sadly, the one truth that can be gleaned from a review of this literature is that there is little consensus concerning the definition of equality of educational opportunity or for the means of achieving such equality. Rather than presenting the people with solid empirical evidence concerning a functional manner for achieving this long sought ideal, too many writers, regardless of their conviction, assail us with emotional rhetoric. It has reached the point in many instances that to speak for compensatory education and neighborhood schools is to speak against integration and the magnificent contributions made by many of our ethnic and racial groups.

Therefore, I would like to make it clear to the Committee, that my personal feelings and the feelings of my school district support the abolition of any device which serves to mandate the separation of racially and ethnically different children as an absolute and imperative necessity. In addition, I support the protection, encouragement, and appreciation for the cultural differences within our pluralistic society. Instead of achieving these worthwhile ends through those artificially contrived methods employed by many of our courts, however, I feel that the continued natural integration of our society is a more viable alternative. I would not want you to take my statements as being an impingement upon the character or the judgment of our federal judiciary. Rather I am indicating that many of their decisions have been made on the basis of inadequate research data, which is currently being contradicted by upated longitudinal studies. While the purpose motivating these decisions is commendable, it is regrettable that this purpose has not been realized, and rather, certain dysfunctional outcomes have become apparent. These outcomes are as apparent in the Corpus Christi Independent School District as they are in other school districts in the nation and have served to interrupt this district's efforts to achieve educational change.

EDUCATIONAL PROGRESS OF CORPUS CHRISTI

Although the purpose of my appearance is not to laud the accomplishments of the Corpus Christi schools in furthering racial and ethnic understanding, I do feel that a brief view of these accomplishments will make it eminently clear to the Committee that our school district does not now nor has it in the past supported the concept of racial and ethnic isolation.

The Corpus Christi Independent School District moved immediately after the Brown decision to eliminate its state-imposed dual school system. In addition, long before bilingual programs and English as a second language were initiated on a national basis by Congress, the Corpus Christi school district initiated locally developed and funded program which dealt with the language disabilities of those children who enter school with limited knowledge of the English language. Our district supported, and in fact helped to initiate, one of the first Community Action Programs in the United States. It also initiated one of the first head start programs, and was one of the few school districts in the nation to be selected to initiate a follow-through program.

EFFECT OF LITIGATION

This series of accomplishments, however, was interrupted when the time and energies of the district's staff were transferred from dealing with educational issues to dealing with the issues of a suit which sought to equalize the racial and ethnic percentages on our various school campuses.

Although I have always subscribed to the concept of educational equality, I am sure my awareness of the complexities involved in providing equality of educational opportunity, as well as my frustration with the lack of any definitive or accepted description of what constitutes such equality, have been strengthened as a result of my expriences with the case. It is one thing to consider such issues when you are geographically and emotionally separated from their daily crises. It is quite another to see a concerned community, which has prided itself on its accomplishments in overcoming both the overt and covert manifestations of racial ignorance and prejudice, become increasingly polarized by the efforts of those who would use the lives of young children to overcome long-standing social ills—ills which the children neither created, understood, or support. To understand the depth of my feeling, therefore, you must know something of our court suit. The integrity of our system was not attacked on the basis of any racial issue but to establish ethnic balances in our schools.

STATEMENT OF FACTS RELEVANT TO THE ISSUES

The Corpus Christi School District is roughly co-extensive with the metropolitan area of the City of Corpus Christi, Texas. It is crescent-shaped and bounded by water on the north, the east and the south. It is over 11 miles long from its southeast to its northwest corner and its width varies from 3 to 4 miles.

The population of the city (and of the District) has increased at a rapid rate, from 27,741 in 1930 to 108,287 in 1950, to 167,690 in 1960, and to 213,750 in 1970.

Since sometime before 1938, white children in the District were assigned to schools under the neighborhood school plan. For purposes of school assignment, persons of Spanish or Mexican descent were classified as members of the white race. No witness testifying in the case had heard of a single instance in which a child was precluded from attending the school located in his residential attendance zone.

In 1954, there were a total of 39 schools in the District. By 1969, there were 60 schools. From 1954 to 1970 the student enrollment increased from 26,893 to 46,023. Racially and ethnically, the comparison of the years 1954–55 and 1969–70 is as follows:

Year	Anglo	Mexican-American	Negro
1954–55	13,668	11,883	1,342
1969–70	21,806	21,719	2,475

In 1954, before Brown I, three of the District's 39 schools were exclusively for Negroes; the remaining 36 schools were for white children (no distinction being made between Anglo-American and Mexican-American). Mexican children attended every one of the 36 white schools as did Anglo-American children. The District maintained no records which distinguished the Mexican-American child from the Anglo-American child at any time until required to do so by the Department of Health, Education and Welfare in 1967.

In 1969, Mexican-American children attended each of the five high schools, each of the twelve junior high schools, and each of the forty-three elementary

schools; Anglo-American children attended each of the five high schools, each of the twelve junior high schools, and forty of the forty-three elementary schools.

The three schools for Negro children, maintained separately as required by state law in 1954, were Solomon Coles, Carver and Washington. No whites attended any of these schools and no Negroes attended other schools in the District. In 1955, following Brown II, Negro children were first given the choice of attending the school located in their neighborhood or the previously all-Negro school which they had been attending. Subsequently, they, like all other children in the District, were required (and they are presently required) to attend the neighborhood school in the zone in which they reside.

During the school year 1969–70, Negro children attended four of the five high schools, eight of the twelve junior high schools, and twenty-three of the forty-three elementary schools. By April of 1971, Carver School had been closed. The Negro attendance at Crossley was 37.20%, although it was not one of the original "Negro" schools.

The School Board has adopted no rules which were discriminatory as to Mexican-Americans. Nor was there testimony as to discrimination against Mexican-Americans in the city of Corpus Christi in the past 20 years. Jose Cisneros, the only representative of the Mexican class called to testify as a witness, testified that there were other homes in predominantly Anglo neighborhoods to which he could move if he so elected, that residence was strictly a matter of choice. He was refused service at a small restaurant once when he was in high school in 1949, but otherwise could not recall ever having been refused service in any store. He had never been required to sit in a designated area on any public transportation facility, had never been refused admission to any theatre or any other public place, had never been required to use separate facilities in any hotel or motel, and had never been required to use separate restroom facilities or fountains. In 1969, marriage licenses were issued to 173 Mexican-American–Anglo-American couples. Although out-of-date deeds contained restrictive covenants against Mexican-Americans, the covenants have never been enforced. The City of Corpus Christi adopted an open housing law in 1968.

A random residential intermixing of Mexican-American and Anglo-Americans within the City of Corpus Christi would require that 73.7% of the Anglos move or that 72.2% of the Mexican-Americans move. Although the rsidential density of Mexican-Americans, Anglos, and Negroes is much greater in some areas of the District than in others, census tracts, city directories, locator maps, and most important of all, ethnic distribution maps establish that Mexican-Americans reside through the District in every residential area. In schools in densely populated Mexican-American areas of the city, such as Moody School, Barnes and Cunningham Junior High Schools, and Prescott and Travis Elementary Schools, the Mexican-American enrollment is from 85% to 95% of the total student body. In areas of the city where there is a residential mixing of Mexican-American and Anglo residents, the percentage of Mexican-American children enrolled runs from 23% at Ray School to 44% at Driscoll Junior High School to 35% and 47% respectively at Carroll Lane and Houston Schools.

Likewise, in those residential areas in which the population is largely Anglo-American, the schools so reflect, as for example, King High School with 90% Anglo attendance, Haas Junior High School with 88% Anglo attendance, and Montclair Elementary School with 94% Anglo attendance.

Ethnic ratios have changed dramatically by virtue of shifting residential patterns:

School	Percentage of Mexican-Americans			Percentage of Anglo-Americans		
	In 1954	In 1969	In 1971	In 1954	In 1969	In 1971
Baker Jr. High	2.80	24.30	32.19	97.20	75.35	66.77
Carroll Lane	1.41	23.21	30.50	98.59	76.61	69.30
Central Park	1.49	32.09	34.99	98.51	67.24	64.88
Crossley	52.98	18.76	27.65	47.02	.86	1.29
Fannin	8.97	63.71	73.97	91.03	35.89	25.39
Furman	33.98	88.93	88.69	66.02	9.88	0.91
Houston	1.30	47.81	54.56	98.70	51.90	45.44
Lexington	7.78	56.26	64.85	92.22	43.33	35.15
Menger	1.07	34.78	40.86	98.93	64.07	58.32
Oak Park	10.64	54.19	55.13	89.36	35.40	25.87
Prescott	65.83	95.33	96.95	34.17	3.17	.68
Savage	3.91	43.06	41.95	96.09	56.94	57.75
Travis	15.19	90.74	91.01	84.81	9.16	8.75

Consistent with its adherence to the neighborhood school concept, the District has not engaged in transportation of its students. In 1969–1970, it operated only nine school buses, four for regular students who resided in rural areas and five for the physically handicapped.

Teacher employment by ethnic or racial background, at varying times to the present, has been in the following numbers:

Teachers	1955–56	1965–66	1969–70
Anglo-American	1,037	1,527	1,519
Mexican-American	56	201	330
Negro-American	52	46	60
Total	1,145	1,774	1,909

Thus, from 1955 to 1969, the number of Mexican-American teachers increased by approximately 600%. From 1955 to 1965, the number of Anglo teachers increased but from 1965 to 1969 it decreased by eight, while the number of Mexican-American teachers increased by 129 and the number of Negro teachers increased by 14.

In 1969, no school in the District had a teaching staff of more than 50% Mexican-American. Only two schools had a *combined* Negro-Mexican-American staff of more than 50%. In this same school year, Mexican-Americans were teaching in every single one of the District's sixty schools and Negro-Americans were teaching in forty of the schools.

With respect to student assignment and boundary lines, no witness testified that any student in the District was precluded from attending school in the neighborhood in which he resided; no one knew of any exceptions. No witness testified that any existing school boundary or any past school boundary had been established or relocated for the purpose of segregating Mexican-American children. Members of the School Board from 1950 to 1968 testified or it was stipulated that their testimony would be that no boundaries had been altered at any time for the purpose of effecting a given ethnic result.

No witness testified that any given ethnic result was produced or was intended to be produced by the location of any new school or the renovation of old ones. School sites were selected and purchased up to ten years in advance based on a multitude of considerations affecting the growth of the community, the main effort being directed to the construction of schools where the people live. Race, ethnic ancestry played no part in the selection of school sites. There were no suggestions offered as to how the School Board might have foreseen in the past and anticipated the movement of various ethnic groups from one part of the community to another or how building construction or boundary lines should have been altered to achieve given ethnic balances had the movement been foreseeable. There was no testimony that boundary lines had been moved or gerrymandered as residential patterns changed. In short, there was no evidence that Mexican-Americans were discriminated against.

NATURE OF THE CASE

The suit then was one in which the primary issue was alleged discrimination against Mexican-American children in the Corpus Christi Independent School District. There were 45,565 children enrolled in the District's 61 schools as of April, 1971, 2,514 Negroes, 20,711 Anglo-Americans and 22,340 Mexican-Americans. Negro children were involved only to a minimal degree. The District contended that there are no remaining vestiges of segregation of Negroes as previously required by state law, but that it nevertheless stood ready and willing to implement immediately any requirements for further desegregation of its Negro children.

The suit was originally institutes by various individuals who claimed to represent two alleged classes of residents within the Corpus Christi Independent School District—residents of Mexican-American descent and Negro residents. It was alleged that the District had operated schools on a discriminatory basis in violation of the various plaintiffs' rights under the United States Constitution and the Civil Rights Act of 1964. The relief prayed for an injunction restraining the District from engaging in further discriminatory activities.

There were actually two trials. The first commenced on May 14, 1970, and was concerned with whether or not there was intentional segregation of Mexican-American and Negro children within the District. It culminated in a Memorandum Opinion dated June 4, 1970, with an addendum thereto filed October 16, 1970 consisting of some 70 footnotes of comments and references and a Partial Final Judgment, also dated June 4, 1970. In the Partial Final Judgment, the trial court ordered an immediate reassignment of the District's teaching staff, consideration of the achievement or preservation of "a reasonable mixture" of Mexican-American and Negro students with other students in construction of new schools, the filing of a revised student assignment plan for the purpose of creating "a unitary school system," and the creation of an advisory committee. The School District complied after an interlocutory appeal was denied by the court.

The second trial took place in September 1970, at which time the court heard evidence upon various student assignment plans submitted by the parties. After the hearing the court, upon the plaintiff's motion, invited and permitted HEW to intervene in the suit. The School District was directed to cooperate with HEW representatives in the furnishing of information.

On May 3, 1971, the court ordered HEW to submit a proposed student assignment plan on or before June 1, 1971. It did so; the defendants and the plaintiffs both filed written objections thereto, and on July 2, 1971, the trial court filed a second Memorandum Opinion setting forth his own student assignment plan and a Final Judgment, in which he directed that the plan be implemented by the commencement of the fall, 1971 school term.

The court-ordered student assignment plan was estimated to involve the transportation of approximately 15,000 of the District's children at an initial cost of over $1,700,000, required the pairing of grades one through three and grades four through six in thirty-two of the District's elementary schools, called for the complete revision of high school attendance zones, the cross-town assignment of ten geographically designated groups of junior high school students, and the reassignment in groups of 50 to 200 of 800 Mexican-American children residing in La Armada Housing Unit.

Because there had at no time been intentional separation of Mexican-Americans in the School District, the District gave notice of appeal on July 16, 1971.

The evidence reflected, and the fact is, that the Corpus Christi Independent School District endorses intermixing of all its racial and ethnic groups. That is not the issue in this case, however. What is involved is whether the District had an affirmative duty to depart from accepted and long established educational practices and to implement contrived programs to force more rapid intermixing of two segments of its white population or whether it is authorized to rely on natural, demographic changes which had brought about and were bringing about an homogeneity which was natural and permanent.

In his final judgment the district judge decreed that there be no stays of this judgment and that the district must immediately implement his orders. The effect of the court decree was that huge sums of money must be invested by the community and that countless lives must be disrupted, even though the order could be reviewed and reversed by higher courts. This order was upheld by the circuit court of appeals, but was reversed by the Supreme Court, which granted a stay to allow the school district the opportunity to obtain a review of the trial court's judgment on the merits. Although the case is still on appeal, the school district has not escaped various negative outgrowths which can be directly related to the uncertainty flowing from the morass into which the federal courts have thrown educational systems throughout the country.

Many of the negative outcomes of this suit were the same as those previously expressed by other urban school districts. Examples include a weakening of public support for public education. In fact, as our citizens have become preoccupied with issues of busing to achieve racial and ethnic integration, various groups in the community have become increasingly polarized. Examples can be found in the many organizations that have been formed to either support or to oppose busing as a means of achieving racial integration. Fears and rumors have mounted as the prospect of forced busing was faced by this community. The end result has been a lessening of confidence in the public schools and a growing concern that education may be less effective than it has been in the past. In addition, the city has seen the migration of its citizens to the suburbs increase with the issuance of the court order. When it appeared as if transportation to achieve

racial-ethnic integration was eminent, many students who had been enrolled in public schools were transferred to private schools. First grade membership alone dropped from 4,013 in the 1970–71 school year to 3,337 in the 1971–72 school year as a result of the court order.

In addition, the court enjoined much needed construction until such time as the courts have reached some consensus as to what constitutes a unitary school system. Schools are becoming overcrowded; portable buildings are being placed into service in areas where administrative facilities cannot adequately handle the student population.

Students attending some schools have been caused to feel that their schools are inferior and they and their parents now question the equality of education they receive. These questions are motivated by the feeling that racial and ethnic balance equal to that of the city as a whole is necessary to learning. Student disruptions and teacher abuses have increased. Educational planning and cost analyses have been seriously impaired as the school district is unsure as to which direction to move or into which program to place its funds.

And I suppose the most disheartening fact currently facing our school district is the continued lack of understanding on the part of our community and this nation concerning the true meaning of equality and educational opportunity and the effect of compensation and integration on achieving such equality. We then remain unsettled, fearful of action and equally fearful of inaction. Such a position is hardly defensible in light of the evidence available to the nation and this Committee concerning viable alternatives which are available.

SOLUTIONS ARE POSSIBLE

I do not mean to imply that there are certain simplistic solutions for the complex problems facing our nation. Nor do I mean to imply that the experience of school is more than a part of an individual's education. Rather I am expressing my support for those concepts expressed so ably by President Nixon on March 24, 1970, when he stated:

"Schools exist to serve the children, not to bear the burden of social change.

"One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of a multiracial society which the adult community has failed to achieve for itself.

"If we are to be realists, we must recognize that in a free society there are limits to the amount of Government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the Nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting phychic injury.

"Failing to recognize these factors, past policies have placed on the schools and the children too great a share of the burden of eliminating racial disparities throughout our society. A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can peform the task of education itself. If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a Pyrrhic victory."

Neither do I intend to state that we can expect immediate solutions to problems which have been formulating for so many years. In this, I am sympathetic with the expression of Senator Mondale when he referred to his search for securing equality of educational opportunity. He stated:

"I have found very little conclusive evidence (pointing toward a solution). No one seems to agree with anyone else's approach. But more distressing, no one seems to know what works."

I do feel, however, that there is a need to establish a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students if it is to discharge its obligation under the Fourteenth Amendment to the United States Constitution. I further feel that the resolutions under consideration by this Committee will constitute an educationally viable point of departure to achieving solutions which work. In the first instance, they accept the assignment of students on a neighborhood basis as an educationally sound and a non-discriminatory practice. In the second instance, they propose the extension and concentration of program of compensatory

education. These two issues are particularly vital to any discussion of solutions since compensation and integration have been accorded the most attention of the many approaches proposed for providing equality of educational opportunity.

INTEGRATION

Integration as a prerequisite of equal educational opportunity has been widely discussed. To date discussion of this issue often has been clouded by a preconceived bias. Clearly there are some problems associated with this approach to providing equal educational opportunity apart from mere prejudice or racism.

The question of domain is very much a part of the current discussion. Questions are being raised both in and out of the courts as to just how far policies should extend in attempting to achieve racial balance. The court's apparent "acceptance" of *de facto* segregation in some areas while simultaneously rejecting it in other instances has baffled the understanding of many. Available research provides limited insight, as a great deal of the research in this area has been tainted by the prejudgments of the researchers. "Findings" on either side of the issue often can be shown to have rather minimal relationship to the data actually collected in the studies. Gregor reported in his article "Social Science Research and the Education of the Minority-Group Child" that

". . . at the time of the Supreme Court's *Brown* decision there was no probative evidence and little presumptive evidence to support the contention that separate schooling, maintained in fact or by law, in and of itself produced determinate or determinable injury to minority-group children. Furthermore, the social scientists directly involved in the proceedings recognized this to have been the case."

Nevertheless, there followed a host of "studies" with "results" which supported one side or the other. Perhaps because the nation was struggling with its conscience and because educators were legitimately concerned with the problem of low achieving pupils, those studies which supported the integrationist view tended to receive more general acceptance, which those which found otherwise were frequently—and sometimes justifiably—denounced as "racist."

The advent of the famed Coleman Report of 1966 appeared for a time to remove all doubt as to effect of racial or ethnic intermixing on achievement. However, critics soon pointed to statistical mishandling of the data and other problems in the study. Further, Dr Coleman, in a report at a recent meeting of the American Educational Research Association, warned that judges were misusing his research results to support their school desegregation orders. He stated:

"It's probably not appropriate to say, on achievement grounds alone, that segregated schooling does not provide equality of educational opportunity. . . . There is not sufficient evidence to show that the kind of benefits to lower class children that arise from a socioeconomically heterogeneous or racially heterogeneous school can't also be provided by other means."

When attempting to relate racial or ethnic balance to achievement, two basic problems become immediately apparent. The first is the overwhelming difficulty of divorcing minority group status from economic class. In those instances where minority group status is related to middle or upper class circumstances, student achievement is not affected by racial or ethnic segregation in the public schools. However, in those instances where racial or ethnic membership is related to economic need, students in racially or ethnically isolated schools achieve more poorly than in predominantly middle class schools. Dr. Wilson Riles, Superintendent of Public Instruction for the State of California, summarized the issue when he stated:

"Where race is not related to learning potential, poverty is and the way the schools are structured the middle class child and the upper class child seem to do better than the poor child . . . learning potential is not connected with color but . . . with socioeconomic status."

In addition, Mosteller and Moynihan state that neither school upgrading nor school integration will close the minority-majority achievement gap if the minority-majority gap in socioeconomic status is ignored.

A second problem area deals with the lack of any definitive statement concerning the meaning of "racially integrated" schools. Definitions currently available range on a continuum from a minimum of five minority students in a given school to one which states that the school must reflect the racial or ethnic ratio of the total community. The need for such a working definition becomes apparent when one considers the wide variation of racial/ethnic percentages which exist.

The vast majority of studies which show achievement improvement as a by-product of racial, ethnic or social integration contain the phraseology: majority white schools, predominantly Negro schools or substantial majority of children from advantaged homes. Such descriptions indicate then that integrated schools must contain a high majority of high socioeconomic white children.

All factors considered, however, the most important variable—in or out of school—in a child's performance is not the racial-ethnic mixture of his school but his family's educational and socioeconomic background. The second most important factor, according to Coleman, is the educational background and social class background of the families of the children in the school. The controversy surrounding racial desegregation has almost caused the issue of socioeconomic desegregration to be overlooked. Yet schools are nearly as segregated along socioeconomic lines as along racial lines, and indeed, in some instances more so.

Pettigrew has stated, as quoted in the *Saturday Review*, that our country is very uncomfortable about the whole concept of social class. Social class segregation as a problem in the schools is a phenomenon of the twentieth century. The effects of such segregation are several and often obvious. Coleman reports that research results indicated that a child's performance is greatly benefited by his going to school with children who come from educationally stronger backgrounds. There is, however, a relationship at work which precludes any easy solutions based upon socioeconomic or racial integration. The problem becomes apparent when one considers that there are not sufficient majority students to desegregate schools in many areas of the country if such desegregation is to result in majority white or predominantly advantaged student populations. This, again, raises the consideration that a "critical mass" theory may be at work when one speaks in terms of that racial/ethnic/socioeconomic balance which can functionally affect learning. Dick Hubert identified such a relationship in the Duluth (Minnesota) study. He called it "the tipping factor." This principle postulates that when low-income children are concentrated in a school to a point where they constitute more than 30 per cent of the school's population, the school tends to lose its effect on improving achievement for such low socioeconomic students. Coleman's findings substantiate this. He writes:

"The evidence is as follows: As long as the school is predominantly middle class, approximately 60 per cent or more, there is no detrimental effect on middle class kids—that is, of having up to 40 per cent working class, lower class kids in the classroom. There seems to be a phenomenon at work that could be characterized as cultural dominance. Cultural dominance of middle class norms prevails in middle class schools, with a teacher teaching toward those standards and with students striving to maintain those standards. Conversely, in a predominantly lower class school, standards prevail that are often times anti-school and that are oriented toward lack of performance in school."

Even a "critical mass" concept becomes suspect, however, in the light of recent research. Armor found, in a series of "before" and "after" studies conducted in Boston, Hartford, and New Haven, Connecticut; White Plains, New York; Ann Arbor, Michigan; and Riverside, California, that the desegregation programs conducted by these school districts resulted in indifferent academic achievement, lower grades, faltering self-confidence, and reduced racial tolerance. Armor's analysis of the five school systems led him to these conclusions, among others:

Integration achieved through busing has no significant effect on academic achievement as measured by standardized tests. Although black pupils in majority white schools scored slightly higher on tests, they made no more progression than did the control groups in their own community schools and actually received lower grades than did their peers in the community schools.

The education and occupational aspiration of black pupils are not furthered by integration by busing.

The self-esteem of black pupils is not increased by integration by busing. Some black pupils being bused showed less confidence in their academic abilities than did their peers in the community schools, while their self-esteem was consistently low and unaffected by integration.

Integration as it is now being carried out—that is, through forced busing—increases awareness of racial, cultural and socioeconomic differences, and enhances separatist ideologies.

Armor further stated that while integration into majority white schools may hold some promise for minority students, they will never attain full achievement equality until their life style is drastically changed. He states that the policy implication is "that programs which stress financial aid to disadvantaged black

families may be just as important, if not more so, than programs aimed at integrating blacks into white neighborhoods and schools."

That the effectiveness of racial balance as a tool for accomplishing equal educational opportunity is still largely undecided by social research is apparent. Perhaps the conclusion of the review of the research on the effect of integration on achievement contained in *Education and Inequality* provides an appropriate summary:

We therefore conclude on a familiar note . . . Policy with respect to racial integration should be made on the basis of moral, legal, and political consideration, not on the basis of integration's alleged effect on the short-term careers of either white or black (minority-group) students. Such effects are at best problematic, certainly modest, and possibly non-existent.

Results of studies concerning the effectiveness of integration, in and of itself, as a usable tool to achieve equality of educational opportunity indicate that continued efforts to create artificially integrated settings through transportation may be as damaging as they are helpful. Certainly they are suspect in that they hold no promise for the large numbers of children who reside in the large metropolitan areas. When the various ethnic minority groups residing in these areas are added to the racial minorities, the numbers who must be transported from one school to another and the distances they must be transported become staggering. Solutions which eliminate these children are scarcely acceptable to this society as are those solutions based on the assumed superiority of any one racial or ethnic group. Clearly then a remedy other than that offered by transporting children away from their neighborhood schools must be sought.

Such a solution is available through the concentration of funds by thoughtful, redirected compensatory programs.

COMPENSATORY EDUCATION

That children enter any phase of schooling with widely varying individual inputs, is universally recognized. Programs of compensatory education typically proceed on the assumption that children who experience learning difficulty in school do so mainly because their preparation for school is seriously deficient. Poor children enter school with less developed verbal skills, lower motivation and less family support for academic success. They begin badly and do progressively worse. Programs based on these assumptions seek to compensate for children's individual deficiencies by intensifying the school's educational services.

The role of poverty on learning has long been recognized. It is extremely difficult to deliver quality education to children of the poor and conversely it is extremely difficult to avoid delivering quality education to the children from affluent families. Families who have sufficient incomes to escape the daily plight of pure economic survival tend to give high priority to their children's education. They buy better food and medicine, break away from their community for trips and cultural events, and save to insure their children's careers.

Examples of studies which relate learning to poverty include the recently released National Child Development Study of Britain and a study of mountain children by Lester Wheeler. The British study showed that by age seven, middle-class children are even further ahead if parents limit offspring to one or two. It further showed that working-class children generally are six times more apt to be poor readers than middle-class children. In addition, working-class children are fifteen times more apt to not be able to read at all.

The study by Wheeler was conducted between 1930 and 1940. It concerned children in two counties of the Tennessee mountains. When the children were tested in 1930, a time of poor schools, isolation and grinding poverty, the children averaged in the low 80's on tests of intelligence. Ten years later, when new jobs had brought a better standard of living, children in the area averaged nearly 16 points higher on intelligence tests with accompanying improvements on achievement tests.

This debilitating effect of a poor background on learning was the motivating force behind the entire program of compensatory education. The U.S. Department of Health, Education and Welfare stated in 1966, "in practice the goal of Title I (ESEA) is to provide compensatory education for the millions of school children whose crippling background offers them little hope for successful schooling."

Despite the rhetoric which characterizes compensatory education, however, I am aware that such programs have not consistently resulted in substantial or

lasting improvement in students' academic competence. For example, the California State Department of Education found that of the 1044 projects conducted during the first year of Title I, only 2.3 per cent showed substantial gains in student achievement. Researchers attempting to determine causative factors for the poor performance of compensatory programs to date have identified as suspect such factors as the lack of time for adequate planning given school districts during the initial year of the program, the many unimaginative compensatory programs conducted, the lack of any clear-cut understanding of the degree of compensation necessary to achieve results and the proliferation of funds in an attempt to provide educational opportunities to all eligible pupils.

The first two factors, although real, should have been overcome to some extent with subsequent funding and providing additional time to plan. The last two, however, continue to be quite real. For example, the degree of compensation remains quite cloudy when one considers the large variation in the per pupil expenditure in various sections of the nation. In "On Equality of Educational Opportunity" it was pointed out that the per pupil expenditure in Illinois varies from $480 per pupil in some districts to $1,000 per pupil in others. In California the pupil expenditure varies between $265 and $1,353 while in New York they vary between $470 and $1,600. In the metropolitan Mid-Atlantic region schools average $259, in the South $178, and in the Pacific area a $278 per pupil expenditure. During the first two years of Title I operation it was determined that funds spent averaged out to approximately $93 per pupil. Further, it was found that some school districts in mildly depressed areas had been able to accomplish a good deal while other projects located in very depressed areas had not been effective.

The development of successful compensatory programs is further hampered by the distribution of funds on the basis of the number of economically disadvantaged children as reported by the 1960 census. This data, which is now twelve years old, does not place funds where the poor reside—in the urban areas.

There have been successful programs and an examination of these successful projects indicates for the most part that they concentrated their funds on fewer students, thereby providing a greater per pupil expenditure. Out of these findings, particularly studies in California, a new direction is emerging for compensatory education. This direction calls for concentrating funds on those students who show the greatest learning disability. To be effective, this concentration must reach a minimum level of expenditure of from $300 to $400 per pupil, in addition to those funds regularly budgeted for instruction. This concentration level is known as the "critical mass level." Some educators estimate that this level may be as high as $1,000–$2,000.

Educational writers join me in my feeling that compensatory programs can be effective. On this subject, David Cohen states in the Winter 1968 Harvard Review: ". . . it seems possible that the academic competence of Negro (minority) students can be improved without desegregation if certain structural features of their present school environment are radically altered." These changes, which may have to include very sharply reduced class size and pupil-teacher ratios, would center upon compensation for the barriers to learning created by educationally weak environments. Such changes would represent a basic revision in the theory and practice of educational compensation. School organizations must be structurally changed to provide substitutes for the academic stimulation which derives from educationally rich student environments.

Example after example can be cited concerning the effectiveness of compensatory programs when funds are concentrated on very young children. Hopeful gains are also noted when school personnel recognize the role played by a child's parents as his first and primary teacher and as they seek to assist these parents in this effort. The years of limited success have not been wasted unless we choose to discard their teachings. Programs have been successful, and by using them as a point of departure we can begin to make significant strides in reaching the ideal of equality of educational opportunity.

I do not think I need to tell this Committee that the achievement of such a goal is of the utmost importance to me and to my colleagues in education. So serious indeed that my school district has concentrated the efforts of a sizable portion of its administrative staff in seeking the same solutions you seek here today. This task force of school personnel actively sought the opinion of the community. After a year of careful investigation, they have prepared a document, which has formed the basis for many of my remarks. I am attaching a copy of this document for your consideration.

SUMMARY

In summary, the provision of equality of educational opportunity is a task which must be adressed by the total society, not just the schools. However, the schools are one of the major avenues by which this goal may be attained.

Of the principal means by which the schools may contribute to the equalization of opportunity, compensatory education clearly offers the greatest promise—particularly in the large urban school systems which serve most of the educationally and economically disadvantaged children. This does not imply educational benefits cannot result from integration. It does appear to be true, that these benefits tend to accrue only under certain limited conditions. Specifically, the benefits do not accrue unless a large percentage (probably 60–70 percent) of middle-class children be maintained in each school, and unless such integration is accomplished without an accompanying emotional upheaval. For these reasons, integration achieved as a natural result of changing housing patterns and upward social mobility has the greatest chance of success. National, state, and local governments, as well as schools, would do well to consider these facts in the formulation of public policy.

It is apparent that such natural integration of student populations is being accomplished in Corpus Christi. In 1954, 26 of our then 39 schools had more than 10% minority students, Negro and Mexican-American. By 1968, 47 of our then 60 schools had more than 10% minority students. Forty of the districts' 60 schools have 30% or more of minority students and 7 others have between 20 and 30%. Clearly, this integration process is occurring more rapidly in our community than many have imagined.

Yet even more immediate remedy to the problem of unequal opportunity, and one which must be continued in some form, is compensatory education. But, as has been suggested, if such programs are to be optimally successful, changes in the allocation and distribution of funds must occur. (These changes can allow educators to provide special services in massive quantities to those students who are most in need of these services.

The means by which the Congress can provide the resources for such programs is a matter for you to decide. However, I do know, both from my own experience and from a study of the research, that compensatory education can work and is the best method for providing equality of educational opportunity for all children.

Dr. WILLIAMS. If I may make a short summary of my statement here and mail it to Mr. Jennings, or counsel, or the Chair.

Mr. VEYSEY. We would appreciate that and it would be made part of the record here.

Dr. WILLIAMS. I want to say one thing—it is really back to our lawsuit—I wish I had time to show you a map which indicates what a court can do, taking a child from across the street from a school and sending him 12 miles to another school. We had no more than 300 blacks in any of our high schools; we didn't know the difference between Mexican-Americans and Anglo-Americans as to who is white. We are an open city and have been for many years. We have a lot of Government installations. We are a seaport city. But the plaintiffs who are in opposition to the point of view expressed here spent $150,000 in attorneys' fees, and I think we are just getting started in the lawsuit on an ethnic issue.

Fifty-two percent of our youngsters have Spanish surnames and the so-called Anglo or white community down to about 42 or 43 percent. We don't have enough Anglos to go around. Our court paired schools from all across the city, included all kinds of youngsters in our court case. This is what we are asking you to stop.

I commend the President for his message and the committee for giving consideration to the bill. I hope a favorable recommendations will be made by you.

Mr. VEYSEY. The committee will give careful attention to your suggestions and to the subject matter at hand.

Mr. PEYSER. Thank you for being here. I am sorry the time available was not longer.

I think your message came through loud and clear and we will carefully review this study.

I appreciate your presence.

Mr. VEYSEY. Thank you again.

The meeting is now adjourned.

(The following statement was submitted for the record:)

TESTIMONY OF HON. WILMER D. MIZELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. Chairman, I am very grateful for this opportunity to testify before the distinguished members of this General Subcommittee on Education on a subject of great importance to my constituents in the fifth district of North Carolina and to Americans across the country.

The subject is busing.

In Winston-Salem, N.C., the largest city in my district, 32,220 of the school system's 44,000 students are riding buses this year. About two-thirds of them are being bused because they live beyond walking distance of a school, but more than one-third—more than 11,000 children—are being bused solely to achieve court-required racial balances in the elementary and secondary schools; 157 new buses were required to implement that order. Each of those buses cost $6,300 to buy, and it costs $1,600 a year to maintain them, without mentioning the additional cost in bus drivers' salaries. The superintendent of schools in Winston-Salem has told me that this massive busing program requires an operating budget of $1.4 million. That figure represents almost exactly a 100-percent increase in transportation costs over last year.

Other major cities in the Nation—not only in the South, but in every region—are now under court order to bus their pupils for racial balance and all of these cities are undergoing the same financial strains we have experienced in Winston-Salem.

The Los Angeles, Calif., school system is now under court order, subject to appeal, to transport 240,000 children up to 25 miles to attend school. U.S. News & World Report recently reported that the cost of this massive program has been estimated by school officials at $180 million over the next 8 years.

And in Detroit, Mich., a Federal judge has ordered the purchase of 300 new buses in preparation for possibly the most extensive busing program required in America.

And there are numerous other examples one could cite, demonstrating the destructive drain on public finances that these massive transportation programs cause.

But I believe my point has already been made. Financial burdens already threaten to quite literally destroy hundreds of school systems throughout the country. The Dayton, Ohio, school system had to close its doors for a time this past school term under the weight of budgetary pressures, and others are sure to follow unless something is done to relieve those pressures.

We read of teachers in many cities striking for higher pay, of school buildings crumbling in disrepair and of acute shortages in so many kinds of educational equipment.

When funds for these pressing needs cannot be supplied even now, how shall the cause of quality education be served by imposing overwhelming additional costs for purchasing and maintaining fleets of new buses?

In our admirable desire to provide a quality education for all, will we make it impossible to provide a quality education for any? This need not—it must not—be the case.

The American people, in poll after poll, have registered overwhelming opposition to busing simply for racial balance, and I believe it is time that we in the Congress responded to the people's will in an effective way.

The legislation being considered here today gives us just such an opportunity. It provides that public school students in the first six grades be permitted to attend the school closest or next closest to their homes, regardless of the racial composition of these schools.

In addition, busing could be employed for students in the seventh grade and above only as a last resort. The bill would also allow communities like Winston-Salem where busing has been ordered by the courts in the past to return to court for a modification of the busing requirements if they did not meet the provisions of this bill. The U.S. Attorney General would be instructed to enter such cases on behalf of these communities.

I personally favor even stronger legislation Mr. Chairman, legislation that would eliminate busing for racial balance completely. I have introduced a constitutional amendment which would have that effect and I am continuing my efforts to see this amendment passed.

But in the meantime, we have before us now the most effective legislation available for the immediate future. It incorporates much of President Nixon's proposals to limit busing, and I support it as far as it goes.

Passage of this legislation will represent a major step toward restoring reason to public education in America, and I strongly urge the members of this subcommittee to report favorably this legislation to the full committee and then to the Congress as soon as possible. Thank you for your attention.

(Whereupon, at 12:30 p.m., the subcommittee adjourned, subject to the call of the Chair.)

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